

**SUFFOLK COUNTY LEGISLATURE
SPECIAL MEETING
FIFTEENTH DAY
NOVEMBER 7, 2002**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

**MINUTES TAKEN BY
LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS
MINUTES TRANSCRIBED BY ALISON MAHONEY AND DIANA KRAUS, COURT
REPORTERS**

[THE MEETING WAS CALLED TO ORDER AT 11:15 A.M.]

P.O. TONNA:

Okay. Henry, roll call. All Legislators please come to the horseshoe. Roll call. We're doing roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not Present)

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

Here.

LEG. VILORIA-FISHER:

Here.

LEG. HALEY:

Here.

(Legislator Guldi entered the meeting at 11:17 A.M.)

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. FIELDS:

Here.

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

(Not Present)

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. BINDER:

(Not Present)

LEG. COOPER:

Here.

D.P.O. POSTAL:

Here.

P.O. TONNA:

Here.

MR. BARTON:

15 present. (Not Present at Roll Call: Legs. Towle, Crecca and Binder)

P.O. TONNA:

Okay. Thank you very much. Please all rise for the salute to the flag led by Legislative Aide Clark Gavin.

(Salutation)

Okay. Please remain standing. Thank you very much. We're going to have a moment of silence for Barbara Mack who passed away last month. She was the Assistant Director of Community Development for over 20 years here in Suffolk County.

(Moment of Silence)

Thank you very much. Okay. I just want to remind the Legislators, if the meeting continues until the late afternoon, the law firm of Kirby, McInerney and Squire will be here at 5:00 to answer questions regarding Procedural Motion Number 12.

LEG. BISHOP:

Five.

P.O. TONNA:

Yeah, that's when we told them. To retain a law firm in connection with the pharmaceutical cost recovery litigation. Henry, please, read the meeting notice.

MR. BARTON:

Notice of special meeting.

P.O. TONNA:

By the way, this will be longer than a 30 second meeting. I just wanted all Legislators to know that.

MR. BARTON:

Dated November 1st 2002, to all County Legislators from Paul J. Tonna, Presiding Officer. Please be advised of a special meeting of the Suffolk County Legislature will be held on Thursday, November 7th 2002, at 11 a.m. in the forenoon in the Rose Y. Caracappa Legislative Auditorium located at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Hauppauge, New York, pursuant to Section 2-6B of the Suffolk County Administrative Code for the following purposes; a one hour public portion and 17 items including amendments to the proposed 2003 Operating Budget, signed by the Presiding Officer.

P.O. TONNA:

That's wonderful, Henry. Thank you very much. All right. We have some -- we'll begin the one hour portion. I would ask Legislators, I'd like to try as best we can, considering that we had over three hundred hours of public testimony on this budget, with over 140 speakers, and that, you know, basically we have spent a lot of time on this budget. I would ask that we stick to the one hour portion and we don't override that one hour. We don't have that many cards, so let's try to do the best we can, okay? All right. John Foley. John.

MR. FOLEY:

I'll be right there.

P.O. TONNA:

How are you, Mr. Foley? Good to see you. I notice that your son also got a haircut in honor of you probably being here.

LEG. HALEY:

It wasn't for trimming the budget.

P.O. TONNA:

Yeah.

MR. FOLEY:

Thank you, Mr. Chairman and Members of the Legislature. I will speak as quickly as possible to some of the points I would like to make today. And these points have developed because of my reading of the Budget Review Analysis of the recommended budget. This is indeed to me a strange budget and it has some very interesting idiosyncrasies, if you will. Among them are, for example, the -- on page six, there's a notation to the effect that there's a change of methodology in the computation of the cap itself. In other locations, you'll find commentation -- comments about the Skilled Nursing Facility at Yaphank, and I'm afraid to speak too much to that point. I might be accused of a conflict of interest. But nevertheless, there's a need for an additional subsidy there, as well as the notion as expressed as to developing a series of part-time staff, and I hope that this part-time staff would be in a sense related to a hard-core of full-time people, so as to ensure the maximum quality service, because, if you permit the part-time to increase exponentially, you're apt to have too many part times and not enough full-time. And you have an analogous situation as you know at the college in relation to adjuncts and full-time faculty.

Having said that, this budget speaks in terms according to the Budget Review Office of the decimation of the staff at the County owned and operated health centers. And it also indicates in relation to the South Brookhaven Health Centers that if the current budget were to stand, it would create a problem for the licensure of the Suffolk Health Plan, and that is something to be avoided or something to be resolved in your deliberations today, and in your omnibus resolution, which will be adopted today.

I'd also like to point out, for example, that the whole question of the 76 positions, which were eliminated finally in the health portion of the budget, reminds me of a very basic question. Why is it that the health centers seem to be always singled out for a hit, if you will? Some time ago, they were the subject of an attempt by a blue ribbon committee to blue ridden them out of existence. Fortunately the Chair of that Committee because of his own personal integrity and his own intellectual integrity decided that was not the way to go, and he made that recommendation

to the person who had advanced that particular idea, a blue ribbon committee. Now we're seeing the health centers being atrophied by a lack of funds. Yesterday, two County Legislators presented proclamations at the South Brookhaven East Health Center for -- in recognition of the 30th anniversary of that health center. Brookhaven East and West Health Centers were and are the template.

P.O. TONNA:

Mr. Foley.

MR. FOLEY:

I'll wrap right up.

P.O. TONNA:

I just -- I know you have a lot of great things to say, so how do I ask this in a question? Can you please -- what are the other points you wanted to make.

MR. FOLEY:

I'll make the final points and that will be it. And I'll do that in a matter of seconds.

P.O. TONNA:

No. Take your time. I had to ask you a question so you can go on.

MR. FOLEY:

If you would like to ask me a question, by all means.

P.O. TONNA:

What are some of the other points you would like to make.

MR. FOLEY:

That's what I'm going to do. Thank you very much. I appreciate that. Some of the other points would be as follows. Why are those health centers signaled out -- singled out for that kind of financial hit? Are the health centers in South Brookhaven hit because it's a function of geography here? Is it because of their location that they receive this financial hit every year? I'll leave that question with you good people, and you can answer it in your own time and your own place. And finally, just to wrap this thing up for you, I would make reference to you of page two ten --

(THERE WAS A POWER OUTAGE AT 11:27 A.M.)

LEG. GULDI:

I didn't do it.

MS. BURKHARDT:

It's the whole building.

LEG. CRECCA:

Where's the County Executive?

LEG. GULDI:

Bill, come with me. Let's find the fuse box.

LEG. CRECCA:

Henry, you got me? You said the meeting would last more than 30 seconds. You pulled the plug on this one, too.

LEG. HALEY:

George is rambunctious.

P.O. TONNA:

Hey, maybe we can meet in an airplane hangar somewhere.

LEG. VILORIA-FISHER:

I don't think they're paying the bill out there, Paul.

P.O. TONNA:

All Legislators, I'm going to call -- I'm going to call a half hour recess, okay?

(A RECESS WAS TAKEN FROM 11:30 A.M. UNTIL 12:00 P.M.)

P.O. TONNA:

Roll call.

(ROLL WAS CALLED BY MR. BARTON - CLERK OF THE LEGISLATURE)

LEG. CARACCIOLO:

(Not present)

LEG. GULDI:

Here.

LEG. TOWLE:

(Not present)

LEG. CARACAPPA:

Here.

LEG. VILORIA-FISHER:

(Not present)

LEG. HALEY:

Here.

LEG. FOLEY:

(Not present)

LEG. LINDSAY:

Here.

LEG. FIELDS:

(Not present)

LEG. ALDEN:

(Not present)

LEG. CARPENTER:

Here.

LEG. CRECCA:

(Not present)

LEG. VILORIA-FISHER:

I'm here, Henry.

LEG. FOLEY:

Henry.

LEG. BISHOP:

Bishop's here. Oh, you're not up to me.

LEG. NOWICK:

(Not present)

LEG. BISHOP:

Here.

LEG. BINDER:

Here.

LEG. COOPER:

(Not present)

D.P.O. POSTAL:

Here.

P.O. TONNA:

Here.

MR. BARTON:

A quorum is present.

LEG. CARACCIOLO:

You got me, Henry?

P.O. TONNA:

Thank you. Just to ask the Clerk, how much time did we use up, because, you know, it's like a stop -- I had ten minutes.

MR. BARTON:

Yes.

P.O. TONNA:

Okay. Mr. Foley, I just ask one question, because I know that -- and it is do you have anything else to add to your comments?

MR. FOLEY:

I have one thing to add and it will take me no longer than one minute, Mr. Chairman.

P.O. TONNA:

There you go.

MR. FOLEY:

And I appreciate your question. Having said that, I would direct your attention as well as the members of the Legislature to page 250 of the Budget Review analysis, and the heading of that section is called Human Services. And just for the sake of the record I'll read that to you, Mr. Chairman and Members of the Legislature. For the sixth consecutive year, the Legislature did not receive a budget request for the Human Services Division of the County Executive's Office. Lack of a budget request hampers the Budget Review's ability to analyze the 2003 Operating Budget and violates, violates section A-43 of the County Charter, which details the data to be included in the County Executive's departmental budget. So I will leave that piece of homework with you, Mr. Chairman, and ask the question, rhetorical as it might be, what can the Legislature do about it, and what will the Legislature under your leadership do about it? Thank you for your patience, Mr. Chairman, I appreciate it.

P.O. TONNA:

Thank you, Mr. Foley.

MR. FOLEY:

Thank you.

P.O. TONNA:

Thank you. Herbert Morrow. Hey, how are you guys doing?

MR. MORROW:

Good morning.

P.O. TONNA:

Now, there's not two Herbert Morrows.

MR. VEGLIANTE:

No, there's not. I'm going to just introduce myself. Good morning, ladies and gentlemen of the Legislature, my name is Gary Vegliante and I'm the Mayor of Westhampton Dunes, but I'm also the President of SCVOA, Suffolk County Village Official's Associations. We represent all thirty-one villages of Suffolk County and approximately 130,000 residents. We're here because of the concern we have in the proposal that might limit or reduce the amount of revenue shared through the sales tax with independent police departments. As you know, those police departments exist not only in villages, but towns as well, and with your permission today, I'd like to give the microphone to Herb Morrow, my friend and the immediate past president of SCVOA, also the Mayor of Huntington Bay.

MR. MORROW:

Thank you, Gary. Before I start, I want to acknowledge some of my colleagues that are here with us today; Mayor Peter Imbert, the Mayor of the Village of Amityville, representatives from the Village of Asharoken, Mayor Leland Hairr from the Village of Lloyd Harbor, Mayor Peter Panarites, Mayor of the Village of Northport, Mayor Natalie Rogers, the Mayor of the Village of Ocean Beach, Mayor Lauren Fort-Miller of the Village of Sag Harbor. As well, we have a number of our police officials and police chiefs with us today. As Gary says, the Suffolk County Village Official's Association is a 60 plus year old organization that represents thirty-one incorporated villages in

Suffolk County with a population of nearly 130,000 residents. Like my village, Huntington Bay, more than half of our villages, that is 17 of those --

P.O. TONNA:

Excuse me one second. Okay. I'd just ask --

LEG. BISHOP:

Someone's violating the Tonna law.

P.O. TONNA:

Watch out. I might recess this meeting.

LEG. BISHOP:

Oh, it's me. I'm violating it.

P.O. TONNA:

Okay. Go ahead, Herb.

MR. MORROW:

Like my Village of Huntington Bay, more than half of our villages, 17 to be exact, have their own police departments. In addition, five towns on the east end do so as well. And that's what brings us here today. We understand that you're considering a bill to eliminate revenue sharing with the villages and towns, with police departments. And we feel that such a move is blatantly unfair and physically very harmful to our mutual constituents.

In fact if this resolution passes and takes effect on January 1st, 2003, it will severely impact villages in the middle of their budget year. It will put villages with police departments in a very difficult fiscal bind because revenue sharing monies have already been included as part of our anticipated revenue for 2002, 2003.

It will likely result in mid-year borrowing to fill this fiscal hole or force unplanned cuts possibly even in our police departments. And who suffers if we do this? Our mutual constituents do. The elimination of revenue sharing just moves money from one pocket to another. It just shifts the County's problems to the villages. And this is not the message that we have heard from many of you about the importance of working together for our mutual residents.

And it's not like revenue sharing is a handout. The fact is that villages are centers of commerce. Communities such as Amityville and Northport have thriving downtowns that generate sales tax revenues. Tourist magnets such as East Hampton, Southampton, Sag Harbor and Ocean Beach generate significant sales tax revenues as well. Plus when our residents shop outside of their villages, they generate additional sales tax revenue for the County. As such it is only fair that we receive a small portion of that which we help generate.

What's interesting is that according to State law, cities receive 1% of their County sales tax as revenue sharing. Villages here in Suffolk County get just one quarter of a cent of the sales tax. However, in our County many of the villages are larger and more populous than upstate cities. And the same is true for the towns on the east end.

Another point, when the sales tax increase was put through from eight and a quarter to eight and a half percent, it is my understanding that it was done with a consensus among the members of this Legislature that a portion of the increase would continue to go to villages and towns with police departments in the form of revenue sharing. This proposal today would break that agreement. So on behalf of the thirty-one villages, the five east end towns with police departments, we urge you not to support this item on today's agenda. Thank you.

APPLAUSE

P.O. TONNA:

Thank you very much. Allan Varela. Hi, Allan.

MR. VARELA:

Hi. How are you?

P.O. TONNA:

Good.

MR. VARELA:

My name is Allan Varela. I'm the Executive Director of Greater Port Jefferson Arts Council. I'm the newly formed Long Island Arts and Technology Council. I would like to express our thanks on behalf of the arts community for the restoration of funds to the Cultural Affairs.

I got some figures from Cultural Affairs, Suffolk County Economic Development of -- and ran it through a program that's available that puts in revenues versus national averages of returns.

And all of the arts groups combined, according to Economic Affairs, brought in -- have budgets of thirty million dollars combined. All of the programs that we do to the local government generates nearly two million dollars in tax revenues, state government two million six hundred thousand dollars.

And the impact from people buying things, gifts, so on and so forth from an estimated seven hundred thousand audience attendees is twenty-one million dollars spent. So, thank you, again, for restoring. And so we're getting roughly about like twelve-and-a-half percent or twelve percent of -- back what we actually earned. So I think the arts are a very positive revenue generating for the County.

Also, I'd like to just mention quickly we formed the Long Island Arts and Technology Council and I have a handout here. And that is an education initiative where we have computer systems set up where artists and arts groups can come for training for free and learn different programs and learn ways that they can, you know, develop their staff, keep their operations going more smoothly; possibly that extra bit of knowledge could save some money from outside contracting. So I just wanted to mention that we have that program in force, too, and have a handout.

D.P.O. POSTAL:

The Clerk will take it from you. Okay. Thank you, Mr. Varela.

MR. VARELA:

Thank you.

APPLAUSE

D.P.O. POSTAL:

The next speaker is Martin Del Gatto.

MR. DEL GATTO:

Good afternoon. My name is Martin Del Gatto. I'm the Treasurer-Elect for AME, the County union. I'm here today to speak on behalf of the County employees. We've noted that in Mr. Gaffney's budget. There are a number of positions that are taken out of the budget. And I'd just like to bring some facts to the Legislature today about the -- our association.

As you know, AME being the largest union in the County, it was the backbone of Suffolk County government. And with the recent retirement incentives, people that we were -- retired with that

incentive, we now have less employees than seven years ago.

I'd like to address this Legislature to consider some of the options, rather than eliminating or some -- or not filling some of these positions that you can take in order to balance your budget. One item that was stated in Mr. Gaffney's budget and recommended was to reinstate the sales tax on clothing. A source of revenue that will continue from year to year and it's a way of continually as sales tax revenues increase over the years, the amount of tax associated with the sales tax on clothing would substantially increase as well. And I think it's a way that the -- Suffolk County can raise revenues in order to take care of some of the shortfalls in other areas of the budget.

Also another item that wasn't recommended in Mr. Gaffney's budget, however, I think I'd like to give you some quick facts on it, is to secure ties of tobacco revenues. Thirty-two of the fifty-eight counties in New York State have taken advantage of securitizing tobacco revenues. And to date, four point four billion dollars of tobacco settlement bonds have been issued in the state. Some of the advantages of doing this would be -- you will be transferring the risk of a shortfall of -- to the bondholders. You're certainly at risk on the tobacco revenues to the extent of the liquidity of the tobacco companies. And if some of this dries up due to bankruptcies with a lot of the tobacco companies being faced with lawsuits and drop off in sales, you would transfer that risk to bondholders and you would still have the revenue up front. And you can use that revenue to pay down debt and free up some general revenue funds for health care and other purposes. To give you a quick rundown of some of the -- of the five counties which receive over one percent share of tobacco revenues, Suffolk County's the only one that hasn't taken advantage of doing this.

D.P.O. POSTAL:

Mr. Del Gatto --

MR. DEL GATTO:

Yes?

D.P.O. POSTAL:

I'm sorry but your time is up and --

MR. DEL GATTO:

If I can have 30 seconds?

D.P.O. POSTAL:

Thirty seconds is fine.

P.O. TONNA:

Thirty seconds?

MR. DEL GATTO:

Thirty seconds. Okay. I just wanted to quickly rundown -- Nassau County in 2000 sold off their tobacco securitized and they received \$294,000,000. Westchester County in 2000, which receives 1.96 percent, sold off ten years of their tobacco revenues -- future revenues from 2011 to 2021; not the whole thing, and received \$103,000,000.

D.P.O. POSTAL:

Thank you. Mr. Del Gatto, thank you.

MR. DEL GATTO:

Thank you for your time.

D.P.O. POSTAL:

We -- you know, we understand what you've testified to.

MR. DEL GATTO:

Okay.

D.P.O. POSTAL:

Thank you.

MR. DEL GATTO:

Thank you very much.

D.P.O. POSTAL:

Next speaker is Judy Pannullo.

MS. PANNULLO:

Good morning. My name is Judy Pannullo. I'm the Executive Director of the Suffolk Community Council. And I want to take this opportunity to thank each and every one of the Legislators for responding to our agencies' concerns about the proposed cuts by County Exec Gaffney. And I wish to acknowledge the very difficult job I know you've had in restoring some of the cuts to

social service agencies and the very long and arduous procedure you've all had to go to get to this point.

And while we are grateful and thankful, we do regret that all of the agencies don't appear to be restored as that would have been our goal because our message is still the same. We say yes to all social services, not just some, because a cut to one is a cut to all. Therefore, it is our hope that perhaps the Legislature might work with the County Exec early in 2003 to seek additional funds that could be used to fund the agencies that will not be receiving the restoration of funds.

For example, should there be any funds that were bound such as an increase in sales tax, money not spent in '02 or even amazingly so if the stock market were to make a come back, perhaps there would be more funds that could be put into a designated fund to go specifically to social service agencies.

And I -- furthermore, I offer the services of both the Suffolk Community Council and the Peconic Community Council to work with the Legislature and the County Executive for a 2004 budget, because we feel we can make some real contributions. That's my formal statement. I have a question, am I allowed to ask questions at this point?

D.P.O. POSTAL:

No.

MS. PANNULLO:

No? Okay.

D.P.O. POSTAL:

We're allowed to ask you questions.

MS. PANNULLO:

All right. Could you ask me a question about Omnicode, Omnicode D059. Maybe somebody could ask me --

D.P.O. POSTAL:

It's a good thing you didn't ask us the question.

MS. PANNULLO:

Okay.

D.P.O. POSTAL:

Because there are so many codes that I don't know we'd be able to answer it.

MS. PANNULLO:

Okay. This is Omnibus 9. It was restoring --

D.P.O. POSTAL:

Are you trying to find out what that omnicode is for?

MS. PANNULLO:

Well, no. That's a restoration of contract agencies to two point nine million. And I know originally we had been talking about a six million dollar cut to social service agencies. And I wondered if perhaps the one above would be bringing in some additional funds. What is the exact amount of money that was restored to social service agencies? Can anyone answer that?

D.P.O. POSTAL:

I think that you're going to have to wait until the end of today's meeting. Because no matter what was proposed in an amendment, unless it's approved by a majority of the Legislature, it's not real anyway. So I think probably the best thing to do is wait until the end and let's get a figure.

MS. PANNULLO:

Thank you.

LEG. CARACCIOLO:

Madam Chair?

D.P.O. POSTAL:

Yes?

LEG. CARACCIOLO:

Just as a further clarification of the point you just made, Judy, the process really does not conclude until the County Executive receives the budget adopted today, takes action, which he has a prerogative of exercising line item veto. And then it comes back to the Legislature and the Legislature can sustain or override vetoes. So it's really several weeks before we all will know exactly what the impacts will be to taxpayers, what the impacts will be to contract agencies. So

just be patient.

MS. PANNULLO:

Thank you.

D.P.O. POSTAL:

Thank you, Judy.

Next speaker is Phil Goldstein. And after Phil will be Pamela Carr-Noe.

MR. GOLDSTEIN:

The election is over. George Bush has succeeded in gaining control of the national government. He's going to use that as a mandate to engage in aggressive foreign policy, which means that the resources of the national government are going to be directed outward in terms of his pursuit of terrorism, in terms of his aggressive policy towards Iraq --

D.P.O. POSTAL:

Phil, Phil, excuse me.

MR. GOLDSTEIN:

-- in terms of homeland security.

D.P.O. POSTAL:

Phil, are you testifying on the budget?

MR. GOLDSTEIN:

Yes.

LEG. FOLEY:

Bring it home.

MR. GOLDSTEIN:

This is a preamble.

D.P.O. POSTAL:

I know, but you have very little time in three minutes.

MR. GOLDSTEIN:

Okay.

D.P.O. POSTAL:

So I would suggest you cut right to the --

MR. GOLDSTEIN:

You're eating up my time.

D.P.O. POSTAL:

No. I stopped the clock.

MR. GOLDSTEIN:

Okay, thank you.

D.P.O. POSTAL:

You're welcome.

MR. GOLDSTEIN:

Thank you, Maxine. The point that I'm trying to make is this; that federal resources will not be available. The state has already in a sense screwed all of the counties of the State of New York by imposing mandates upon the counties that had not existed heretofore in order to get Governor Pataki elected. And the likelihood is that Governor Pataki will probably run to Washington to escape the burden of responsibility for what he has perpetrated.

The end result will be that the county is faced with the situation that often faces the state. And that is how are you going to manage to create a budget -- and we are all here expressing our concerns in that regard -- without adequate resources? And the point very simply is politicians hate to impose taxes. But I am trying to urge you to impose a patriotic energy tax on gasoline as a means of raising revenue. Because the budget you will pass will be smoke and mirrors. And the public resents when politicians resort to smoke and mirrors in order to try to solve budgetary problems. Because it only comes back and bites us in the backside subsequently. It's going to hurt us financially down the road.

If Executive Gaffney thinks that the economy is going to turn around in a year, he's wrong. Because as I said, resources are going to be diverted elsewhere. And the public is very concerned. We're apprehensive. And there's little likelihood that our citizenship is going to be reflected in consumerism which is what George Bush says. You know, go out and vote with your credit card. Well, people are apprehensive under the circumstances that exist. And I don't think that's likely to happen. I don't think there is going to be a short term turnaround in the economy.

And the end result will be that you will be faced with the worst situation next year. And without an effective force of revenue, I think that we're going to be facing crises after crises. And so I would urge you a patriotic energy tax is the direction in which to move. Now if the County does not have the discretion, I am going to urge the Independence Party to have a regional meeting and invite the Mayor of New York City and the County Executives of Westchester, Nassau and Suffolk to this meeting, along with the Legislative heads of each of those jurisdictions to try to impose upon the State Legislature a reverse mandate, demand that they provide you with the legal opportunity to create this patriotic energy tax, because it's a way of enlisting the American public in the various wars that our President wants to engage us in.

D.P.O. POSTAL:

Thank you.

MR. GOLDSTEIN:

And war requires that we make sacrifices.

D.P.O. POSTAL:

Phil --

MR. GOLDSTEIN:

And we are asking those who are indulging themselves driving SUV's to be the ones to make the sacrifice.

D.P.O. POSTAL:

Phil, your time is up. Thank you.

MR. GOLDSTEIN:

Okay.

D.P.O. POSTAL:

Next speaker is Pam Carr-Noe followed by Beth Levinthal.

MS. CARR-NOE

I just wanted to second Allan Varela's praise for your reinstitution of the arts -- the County cultural affairs budget. And especially in the fact that -- and I represent the Long Island Masterworks Chorus and Choral Festival held yearly in the summer which brings people in from out of state as well as out of county and out of the city which requires accommodations and eating facilities. Very often the arts are sustained through the hotel and motel tax, the very thing we're asking you to support. And, therefore, since often dinner and the arts are combined and staying in places where the arts are combined, we're very happy to see that amount reinstated. Very important for Long Island. Thank you.

D.P.O. POSTAL:

Thank you.

After Beth Levinthal will be Paul DeOrsay.

MS. LEVINTHAL:

Good afternoon. My name is Beth Levinthal. And I'm the Executive Director at the Heckscher Museum of Art in Huntington. And we have benefited from the County and your understanding of the cultural arts for a number of years. And we are greatly appreciative. And I, too, would like to echo our appreciation for the concept of putting back into the budget funding for the cultural arts. I understand, though, that that still needs to be voted on and so we hope that in fact that will occur.

Particularly in these times, as we've been hearing, the arts are not a luxury; they truly are a necessity. They help our citizenry to connect with their cultural heritage. And we are concerned, particularly those of us who are in the larger cultural organizations within our community, that a depletion of funding to the arts would impact so negatively on the children of our community. At the Heckscher we see over 10,000 children a year, 40 school districts throughout Suffolk County partake of our school discovery program each year. And we see over fifty to 60,000 people in our programs. Those are programs that relate to adults of all ages as well as children and families.

The arts provide a vital economic support for our community and for our region. And as of the last survey in 1998 20 percent of the tourist trade on Long Island was due in fact to the desire for

cultural arts experiences. It was greater to that desire for sporting events or for in fact our beautiful natural environment on Long Island. The arts bring millions of dollars to the County each year. And local businesses are impacted positively by tourist dollars spent in their shops and restaurants, by the printers that we work with, by the other agencies that we also collaborate with.

And the arts are a year-round industry on Long Island that employ thousands of individuals who live, spend and pay taxes in the County. The Heckscher alone between our annual budget and the amount of impact that we create on the local economy bring in over six million dollars to the local economy each year.

I understand that the hotel room tax is also being looked at as an opportunity to fund the arts which it has in the past; but that in fact in this case the Executive has asked for that tax to be completely in place and all the monies counted before they would be actually disbursed to the agencies throughout the County. And I would ask that we look at that carefully because though some of the larger organizations might be able to sustain a period of time that they would not require those funds, some of the smaller agencies in fact might actually be put out of business. And that would be tragic.

I thank you all so much for your support in the past and for your support now in trying to put back funding for the arts at their 2002 level. And I appreciate the opportunity to speak with you this morning. Thank you.

D.P.O. POSTAL:

Thank you.

Applause

D.P.O. POSTAL:

Paul De Orsay.

MR. DE ORSAY:

Good afternoon. My name is Paul DeOrsay and I'm the Director of the Whaling Museum in Cold Spring Harbor. We also have been recipients of County support in past years and we are more than grateful for that. We are one of the smaller organizations in the cultural community; but still I would like to encourage you to continue to support the cultural life of the County with financial

support through the County budget.

Cultural and arts organizations of the County are significant contributors to the economic vitality of our community. Not only in attracting tourism but also in sustaining that quality of life which makes Suffolk County an attractive place to live, work and conduct business.

Beyond economics, the cultural organizations are a significant adjunct to our education system. Our small museum alone serves some 18 thousand school children each year. And we consider this activity central to our mission as do all of our colleagues. We are all faced with difficult choices as revenues are in decline on every front. I ask that you do what you can to soften the blow so that we can share in the sacrifices that have to be made in difficult financial times. But please do not disable the cultural life of our community. Thank you for your past support and for your attention today.

APPLAUSE

D.P.O. POSTAL:

Thank you.

Joseph LaRosa followed by Lillian Barbash.

MR. LA ROSA:

Good afternoon. Thank you for allowing us the opportunity to present my support for the arts. This is item D057. I'm the Executive Director of the Long Island Choral Festival and Institute. We sponsor a ten-day festival in July each year. We bring in as many as 350 people from all parts of Suffolk and including Long Island. Last year we had nine states' representatives from as far as Tucson, Arizona to Ipswich, Massachusetts.

Our main support, of course, is to bring adults, children and professional musicians together to study, rehearse and perform the classic choral literature. We have a special attention to our childrens' chorus, which is a performing group, which lets you be heart-warmed by the fact that children can do very many positive things through the arts. We've had situations where grandparents have come -- flew in from Florida just to hear their performances which are presented, by the way, in various facilities through the area.

I'm here in support of the arts and hope that the Legislature will take heed of the fact that this, as my previous colleagues have mentioned and Ms. Barbash will be speaking after me, is a vital, vital part of a healthy community in which we live. Thank you.

D.P.O. POSTAL:

Thank you.

APPLAUSE

D.P.O. POSTAL:

After Lillian Barbash will be Margaretha Maimone.

MS. BARBASH:

Good afternoon. I'm Lillian Barbash. I've lived in Suffolk County for almost thirty-nine years and have been the Executive Director of the Islip Arts Council for the past twenty-seven years.

Before I say a few words and it will just be a few words because most of what I was going to say has already been said, how many of the Legislators have been on the Legislatures back in 1987? Could you raise your hand if you were on the Legislature back in '87? No, probably not. So I'm glad I brought this study that was made -- that was done by the -- by Suffolk County on the economic impact of the arts in Suffolk County. I'm also -- in '87-'88.

I'm also going to give you a copy of a survey done by Marketing Inc., a nonpartisan marketing organization, which surveyed the citizens of Suffolk County about their attitude towards County funding for the arts.

I think the Arts Council is known mostly for its annual free New York Philharmonic concert at Heckscher State Park which attracts tens of thousands of Long Islanders, not just Suffolk County. And incidentally, I invite you all to come to next summer's free New York Philharmonic concert which will take place on July 12th. It's already planned.

And the other point I'd like to make, the appropriation that Suffolk County makes for the arts is really not an appropriation. It's an investment. And it's a much better investment than most of us have been making in the stock market, because we know that this investment will bring income into the -- into the County. It's not just taking money out of the County budget.

Also, the monies that are appropriated by the County are more than matched by the private sector. What we have in the arts community is a partnership of the public and the private sector.

If you look at any of the budgets that are -- and any of the final reports that are filed with the County at the end of each season, you will see that most of the income spent is income raised from the private sector. So I thank you for restoring the funds. I hope you'll continue to restore the funds and make Suffolk County -- keep Suffolk County the wonderful cultural community that it is. Thank you.

D.P.O. POSTAL:

Thank you.

APPLAUSE

D.P.O. POSTAL:

Margaretha Maimone followed by Diana -- I'm sorry. Brian, did you --

LEG. FOLEY:

No.

D.P.O. POSTAL:

Followed by Diana Cherryholmes.

MS. CHERRYHOLMES:

Good afternoon. I'm Diana Cherryholmes. Margaretha Maimone had to leave but I'm sure she'll echo and ask your support for what I have to say. I am the Executive Director of the Huntington Arts Council. And we thank you for your past support for many years of two of our programs; our education program that serves 30,000 youth in seven school districts and provides teacher-training programs, and for some of the programs associated with our summer arts festival. And we draw ninety thousand people into Heckscher Park every summer for 51 free programs of the performing arts.

Essentially, the Huntington Arts Council is a membership organization. We have close to a hundred arts -- nonprofit arts organization members, many of whom have been here today and many thankfully receive funding from Suffolk County for their programs. The Huntington Arts Council alone, with our budget, the economic impact into our community and greater Suffolk County is 6 million dollars. And we're a small organization. We only have a staff of eight, five full-time employees. So I thank those of you members of the Legislature that have supported the Omnibus DO57; and I ask you to continue to support that.

And I also ask you to please take a look at the funds received from the hotel and motel tax. And if you could, rather than holding those funds that has been recommended, to please disperse those funds; as Beth Levinthal so eloquently put earlier, it will decimate some of the smaller arts organizations. They will not be able to have some of their programs. Again, thank you for your support. And you're truly showing yourselves as leaders for the arts and cultural community of Long Island.

APPLAUSE

D.P.O. POSTAL:

Thank you. Diana Weir? Is Diana here? Okay. We're going to turn to the agenda; so I would ask that all Legislators please return to the auditorium. There's a motion from -- everyone who's filled out a card has had an opportunity to speak. Is there anyone else who would like to address the Legislature?

LEG. BISHOP:

Can I ask for a half-hour recess?

P.O. TONNA:

You want a recess? Let's do a five-minute recess. How's that?

LEG. BISHOP:

I don't want to give false advertising.

D.P.O. POSTAL:

Okay. You mean our five minutes is going to be ten minutes? All right. Ten-minute recess.

(* RECESS TAKEN: 12:40 PM - 12:55 PM*)

P.O. TONNA:

All Legislators please come to the horseshoe.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not Present)

LEG. TOWLE:

Here.

LEG. CARACCILO:

Here.

LEG. VILORIA-FISHER:

(Not Present)

LEG. HALEY:

Here.

LEG. FOLEY:

(Not Present)

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

Happily here.

LEG. NOWICK:

Just as happily here.

LEG. BISHOP:

(Not Present)

LEG. BINDER:

Here.

LEG. COOPER:

(Not Present)

D.P.O. POSTAL:

(Not Present)

P.O. TONNA:

Yes.

LEG. FOLEY:

Mr. Chairman, the Democratic Caucus would like to have some more time in order to go over the budget amendments. The Democratic Caucus wants to go over the budget amendments for another 15 to 20 minutes and we'll be ready at that point to vote on the resolutions.

LEG. TOWLE:

Mr. Chairman, I've got a question if I could?

P.O. TONNA:

Yes.

LEG. TOWLE:

Of Counsel. Paul, I just received -- obviously today we just got the stand-alones. Is there a time requirement on us receiving those prior to voting on them?

MR. SABATINO:

There's a forty-eight hour time line under the charter, but there's also a waiver provision in those instances in which the Budget Review Office makes a written request to the Presiding Officer for additional time under the County charter. If that request is made and it's consented to, then, the

deadline is waived.

LEG. TOWLE:

Okay. Did we have a quorum to start the meeting or we didn't? Because he walked out of the room so I don't know -- I'll address Linda, I guess; she's running the meeting? We didn't have a quorum?

MR. BARTON:

Yes.

LEG. TOWLE:

We had a quorum. So I guess the meeting's still going on.

MR. BARTON:

Eleven Legislators present.

LEG. TOWLE:

So that was good. Legislator Carpenter, I hear you've been indicated as acting Chairwoman.

LEG. HALEY:

Wait a minute. I'm a minority leader.

LEG. TOWLE:

As a member of your caucus I had a couple points.

LEG. CARACAPPA:

Don't flatter yourself.

LEG. TOWLE:

Obviously as far as Omnibus 1 and Omnibus 2 is concerned -- I'm glad the Chairman's come back -- as far as Omnibus 1 and Omnibus 2 is concerned, I've obviously had an opportunity to review those having met with the working group. However, I've not had an opportunity to look at these stand-alones and --

P.O. TONNA:

You know what, Freddy, because of that, and because it's today, I'm going to recess this meeting for another 20 minutes to quarter after one --

LEG. TOWLE:

That's great.

P.O. TONNA:

-- so you can look over those stand-alones.

LEG. TOWLE:

Could you hold off on the recess for one second so I can finish my thought?

P.O. TONNA:

Sure. Okay.

LEG. TOWLE:

I think the budget deserves more than 28 minutes. And I appreciate your offer to do that. But I'm not going to hastily look through these things without having an opportunity to speak to Budget Review. Since there's so many of them, I'm going to make a motion, and I wish the rest of the Legislators would join us, to postpone the meeting until Monday morning, to give us a chance to look through --

P.O. TONNA:

No.

LEG. TOWLE:

-- to look through -- well, you could vote no. I made a motion.

LEG. HALEY:

Second.

LEG. TOWLE:

Well, it's got a second so just relax for a second.

LEG. BINDER:

Second to me.

LEG. TOWLE:

And as I said I just think it's irresponsible to hastily run through these budget amendments today without giving them the due diligence that they deserve.

P.O. TONNA:

Okay.

LEG. CARPENTER:

Mr. Chairman, I just want to note --

P.O. TONNA:

Wait, wait. Legislator Caracappa then yourself; okay?

LEG. CARACAPPA:

I'll yield. I'll yield.

LEG. CARPENTER:

Thank you. I just wanted to say even though it seems like there are seven pages of amendments listed here, if you look through -- and I know there are 70 some odd -- but with the exception of about eight or nine, they're all conflicted out by the budget -- the omnibus resolution. So there's really only about a dozen resolutions that you have to look at.

P.O. TONNA:

Okay. Thank you very much. We'll do a vote. Oh, good. Joe?

LEG. CARACAPPA:

Stand-alones, the deadline was last week, correct, Fred and Paul?

MR. POLLERT:

That's correct.

LEG. CARACAPPA:

They were made available yesterday morning, correct? Because I know they were available in my mailbox yesterday morning and that's when I received mine. So I knew what I was coming to look at on my -- in front of me this afternoon --

P.O. TONNA:

Me, too.

LEG. CARACAPPA:

-- because I had a chance yesterday to review all the stand-alones. In years past, yes, there's been times when we've shown up here to review a budget but we've put provisions in our Charter to change that. And I believe we've met them at least to a certain degree this year. And I know as one Legislator I was informed on the stand-alones before I arrived here today.

P.O. TONNA:

And if you have your normal, you know, workday -- I mean at nine o'clock people could have said, okay, now I'm going to go to work. And they go to work, they look over the stand-alones. They've had basically with -- maybe an hour of public hearings. You've had already, what, four hours, five hours to look at these things? So, you know. But we should have a vote.

LEG. TOWLE:

Mr. Chairman, I want to respond to that comment because that's really out of line. We've spent well in excess of a month putting together two different omnibus packages. And I commend you for investing your time, but to say that because the omnibuses were available yesterday morning and as well as the stand-alones -- no, the omnibuses and the stand-alones because the omnibuses have continued to change up until this very day actually.

That's just not a fair comment. Considering the fiscal constraints that the County's in and the concerns that the Legislature and the Executive have shared about the budget, not only for this year, but also for next year, to suggest that 24 hours to look at numerous stand-alones and then to make a comment like that, the people came to work, you know, I beg to differ. I work at this job full-time. And I take that as a personal affront towards my integrity at working at this job. I've attended almost all the budget meetings and I've taken part in the budget process. So to suggest that somebody's not working because budget amendments were available yesterday and I didn't get them until today is ridiculous.

P.O. TONNA:

Okay. Great.

LEG. CARACCIOLO:

Let's just move the vote.

LEG. TOWLE:

You might want to call the other Legislators in to have the vote.

LEG. ALDEN:

Fred, you mentioned before that the deadline for filing any of these amendments was when?

MR. POLLERT:

It was last week Friday.

LEG. ALDEN:

How many of these came in accordance with that deadline?

MR. POLLERT:

The stand-alone resolutions came in on the deadline with the exception of one or two that were spun out of the omnibus, but were prepared as a portion of the omnibus resolution. So we had the framework on Monday for both the stand-alone resolutions as well as the omnibuses.

LEG. ALDEN:

Okay. But some of these need what, a relaxation of our rules?

P.O. TONNA:

No. Nothing needs to relax.

LEG. ALDEN:

If it was spun out of it, it wasn't filed on time, then.

MR. POLLERT:

What we had is, we had an omnibus bill. One portion of -- one section of the omnibus bill

changed a preexistingly filed stand-alone resolution. Legislator Tonna had requested a modification of a section of the omnibus to take a portion of the omnibus and move it into a stand-alone. It was not a new resolution.

LEG. ALDEN:

Okay. So to -- a question just to Paul Sabatino, everything here has been filed legally; everything before us in a legal fashion?

MR. SABATINO:

All of the procedural requirements of the County Charter have been complied with.

LEG. ALDEN:

Thanks a lot.

P.O. TONNA:

Okay. There's a motion and a second. And basically the -- just -- Paul, the motion and the second is to move the meeting -- to recess the meeting until Monday.

LEG. GULDI:

On the motion.

P.O. TONNA:

All right. George.

LEG. GULDI:

It's been said in this room previously that we shouldn't -- recently -- that we should not be rushing the budget process, that we should gather all the information that we have and reflect on it before we do so. There are sales tax figures tomorrow my colleague points out. There's a request from the County Executive that we have more direct dialogue with respect to budget amendments. What harm could possibly be done to have more information and more dialogue? I can see no reason, no rational reason to not afford the County Exec that opportunity, afford the members of this Legislature additional time to understand the voluminous detailed convoluted matters that are before them.

P.O. TONNA:

Thank you, George. Maxine Postal.

D.P.O. POSTAL:

Yeah. You know, we've had this budget for quite a while. The County Executive actually came here and presented the budget to us in person. I don't even remember that happening before. There have been weeks and weeks and weeks of opportunity to discuss this budget. I sat in the Finance Committee when Legislator Crecca asked the Budget Director, Ken Weiss, if the Legislature and the County Executive could meet so that there could be some joint decisions and a consensus on what we wanted to do in the budget. And Ken Weiss said no.

Now, you know, I -- it seems to me that we have had long enough to discuss this. I don't imagine that anything major is going to change. This budget has been examined and gone through with a fine tooth comb. And I truly cannot imagine what might change. I think, you know, the -- I guess pivotal part of County Executive's budget is the revenue that comes from eliminating the exemption on clothing under -- sales tax exemption on clothing under \$110. And a majority of this Legislature decided not to do that. So, you know, that is an enormous issue that can't be resolved. There are a lot of people here today who would like to see this resolved. Do they want to wait and not know what's going to happen to their programs, not going to know what's happening to the people they serve?

LEG. TOWLE:

Come on, come on.

D.P.O. POSTAL:

Furthermore, I don't know what this would do to when people get their tax bills. I know that there are a lot of people out there who pay their taxes directly. And the earlier they get their tax bills, the more time they have to save whatever they need to pay their taxes by January 10th. So, you know, I don't think we're being fair to those people by delaying the time that they're going to get those bills.

P.O. TONNA:

Okay. On the motion Legislator Foley, then Haley.

LEG. FOLEY:

Thank you, Mr. Chairman. Echoing Legislator Guldi's points, yes, the County Executive has asked for additional time to have dialogue with the Legislature. But as we all know over these last many

weeks to months, there was ample opportunity for the County Executive to speak to, converse with, negotiate with this particular body. And unfortunately over that period of time, that kind of direct negotiations from his perspective, he did not reach out to us collectively. Collectively he did not reach out to us ever to negotiate this particular budget.

As a matter of fact, and the record should reflect this, that at one of the most crucial times of the whole budget process when negotiations are at their most earnest, which is towards the middle to the end of October, not only was the County Executive not available to negotiate this particular budget, he was in fact out of the country at the time.

Now if you want to be serious about a budget, if you want to be serious about proposing a budget, then you've got to be here, you've got to roll up your sleeves and you've got to do [your|you're] homework. Notwithstanding his absence, I for one and others in a bipartisan fashion have worked diligently on this particular budget. A number of us on our own free hours, so to speak, at home worked well past midnight with fascinating reading of the Budget Review Office Analysis. Some say we may need some other kind of analysis if we think that's interesting. But we were doing our homework.

The fact of the matter is that the County Executive did not call me until yesterday about this particular budget after he proposed the largest cut of any anyplace in the County, the largest cut that he proposed was in my Legislative district, and it wasn't until yesterday, late afternoon, that I got a call from him directly on this. And one of the happiest of ironies was where was I yesterday. I was at the very facility that he had proposed to cut the most of any facility, which was at the health centers in South Brookhaven. Legislator Towle had his representative there as well.

But notwithstanding his absence, notwithstanding the fact that not only was he out of the country but out of this hemisphere during the period of time when negotiations should have been in earnest, I for one am willing -- whether I change my mind is a different factor. But I for one am willing as a person who has the representation of wanting go with the process to have a process of dialogue. I can see no harm in having a few additional days to see if there can be harmony.

I would say, though, I would say the next three or four days cannot make up for two-and-a-half months of absence, of the absence of executive leadership. With that said, I am willing to wait a few more days to speak -- to have some dialogue with the County Executive in his office to see if

there can be some meeting of the minds.

P.O. TONNA:

Marty Haley then Ginny Fields. It's actually Ginny Fields then Marty Haley. Ladies first.

LEG. FIELDS:

I don't see the reason for recessing this at all. I think that we've had more than ample time. This Legislature had the ability to meet, discuss, and go through line by line, item by item, page by page, which we did for over 70 hours last week just working in and out of the Budget Review Office, and on our own. And I don't think that anymore of a delay is a necessary thing.

The County Executive has had more than ample time to approach us, to approach this Legislature, and, in fact as I recall and I can hear from the Minority Leader, when he proposed the budget to this Legislature, a letter was sent to him asking him if he would stay and listen to questions or answer some questions. And I believe that he either didn't answer that letter or refused to do so. So there was ample opportunity given to discuss this. I think that we've all looked through it and felt that we can move forward with it. And I think that that's what I would like to do today.

P.O. TONNA:

Legislator Haley first; then Legislator Bishop.

LEG. TOWLE:

Add me to the list, too, please.

P.O. TONNA:

Yes.

LEG. HALEY:

You know, all of us as a group, 18 of us, really got the full picture just kind of Friday and yesterday when it was finally developed, this entire budget. I think it's difficult when we go through the process to have an expectation that there's some conclusions a week ago or two weeks ago that we can go back to the County Executive and say listen, this is what we have to do, this is what's necessary and give him the opportunity to react to that when we didn't even

know what the reality was until like last Friday.

So my concern is that we have a very, very tough budget this time as opposed to any other year that I've been here. In my -- in my opinion we have 50 million dollars with one shot revenues which I significantly have a problem with. And we also have to discuss the possibility of raising taxes. Those are things I'm willing to talk about. But I really think that we need to spend the time now that we finally have come up with an omnibus that the County Executive can review. I think it has worked for the benefit of the taxpayers of Suffolk County, as we as a branch of government give him and extend to him the courtesy to sit down and to see if we can come up with some solutions that get us away from this problem of one shot revenues.

I think it's responsible. And I applaud Legislator Foley and Legislator Guldi in their support of willing to work together to bring something together for the benefit of the people of Suffolk County. I'd like to support a recess until Monday.

LEG. GULDI:

Add me back to the list, Mr. Chairman.

LEG. BISHOP:

Thank you, Mr. Chairman. There is no perfect point in which the Legislature and Executive should engage in budget dialogue because the process is fluid. And we should be engaged in that dialogue all along. When this budget was first proposed, the County Executive requested to come to the Legislature and make a statement. The Presiding Officer obliged him. And I sent a letter as Legislator Fields recalls -- I sent a letter to the County Executive saying please stay, let us have questions and answers so we can engage in some meaningful dialogue and help shape this budget.

He sent back a letter saying that he didn't think that was prudent until the Budget Review Office issued its report, which I thought was a peculiar answer. When the Budget Review Office did issue its report on October 21st, he, as Legislator Foley stated, was not around. Now at the eleventh hour, literally at the eleventh hour, he's asking this Legislature to forego action on its plan until he has a chance to engage in dialogue. Well, that should have been going on all along.

However, I'm willing to vote to give him time to engage in this dialogue. I don't think the majority of us will vote in that way. And I think that also is understandable.

P.O. TONNA:

Okay. Before I go to Fred, I put myself down. And, Bill, you're after Fred.

I'm having a hard time understanding, Dave, especially your comments about time. The fact is, is that the County Executive proposes a budget. Then the Legislature, I mean the Legislative branch comes up with its plan. The County Executive then has a period of time to review every single aspect of that plan and decide whether he likes it, doesn't like it. He has the power of veto on every single line item. He has time to review every single aspect of the plan. I don't -- I don't understand. We had one exceptional year in the nine years that I've been here, one year only, after September 11th, when the fact is, is that the budget that he proposed before September 11th, the world radically changed for County services afterwards.

That was one time, because, basically, it was an extraordinary situation that asked for extraordinary action. I don't remember in the history, at least that I've been here, where the Legislature gets a budget, I mean there was no major consultation when he was putting his budget, you know, he extended the courtesy to me which I extended to him which is to give me the broad outline of his budget. But he didn't sit and dialogue with Legislators, groups of Legislators or anything else like that to say, look I'm forming my budget, let's do this, this is my budget plan. And, therefore, I would say this is what the U.S. Constitution -- read the Constitution.

The Executive Branch acts, proposes the budget. The Legislative branch then presents its plan. The Executive branch looks it over. That's when the dialogue will begin. We're going to show him our plan, he then looks at it and says what do I like about your plan, what don't I like about your plan. Then he issues vetoes and then it comes right back to us. And then we say because it ultimately resides in the Legislature, the policy makers of this County, to say, you know, after your dialogue and your vetoes and your statements and everything else, maybe we can find some compromise. That's the process.

LEG. BISHOP:

May I respond to your --

P.O. TONNA:

Yes. You -- no, you can't really.

LEG. BISHOP:

Because you directed your comments to me.

LEG. TOWLE:

If the Chairman would allow, I'd let Legislator Bishop yield to answer your questions then I'd like to speak afterwards.

P.O. TONNA:

Okay, great.

LEG. BISHOP:

First, I think you may -- you may find the Charter a more meaningful document to consult than the United States Constitution on our --

P.O. TONNA:

Separation of powers. Separation of powers.

LEG. BISHOP:

And separation of powers. The way I look at it, Paul, Mr. Presiding Officer, is that he failed to engage the Legislature as he should have. He now suddenly realizes that he should engage the Legislature. And I want to provide him an opportunity to do that. I think the best thing for him to do or for all of us to do is to make a phone call and say come on over and make your case. Let's do it now. I don't want to delay this thing for days or weeks. We can't by the rules, but I think that if he wants to make a statement, make a pitch, let's give him the opportunity. There are so many issues in this County, tens of millions of dollar issues that are significant that need to be addressed. I think it would be helpful if he actually came over here and spoke to us.

P.O. TONNA:

What pitch is he going to make, Dave, if he doesn't have a plan that's passed by the Legislature that says this is our plan. What pitch is he going to make when he doesn't have a plan that's voted on by the Legislature? He makes his pitch when he vetoes -- or whatever.

LEG. BISHOP:

Apparently he's been making a lot of calls in private. Maybe it would be best -- and this has been our position all along -- to have this discussion in public. So let's give him the opportunity to come across the street and make his case.

P.O. TONNA:

So are you for postponing this until Monday?

LEG. BISHOP:

Actually my position is nuance. I'm in between. I don't want to postpone until Monday. I want to postpone an hour, give him a call, let him come over and let's hear him out.

LEG. HALEY:

Hasn't he had time to review it? Come on.

P.O. TONNA:

He doesn't have a plan. Marty, he doesn't have a plan. We haven't passed a budget yet. I mean, that's when he responds. He responds to a plan that's passed by the Legislature and then dialogue begins. Until then we don't have a plan. Anyway Fred, you're on.

LEG. TOWLE:

That's not completely true, Mr. Chairman. He's obviously got two plans to look at today, Omnibus 1 and Omnibus 2.

P.O. TONNA:

Whichever one is passed. That's the point.

LEG. TOWLE:

Well, that's not necessarily the point. He could look at either plan. That's really not the case. The issue I brought up before many of our colleagues joined us was the issue of the fact that a lot of the stand-alones have been just received within the last 24 hours. But the fact of the matter is it's not only the budget now, it's the budget for next year, it's the budget for the year after. The revenue issue that comes up tomorrow is also going to be part of the overall picture of where this County is going and some of the things that we're going to need to do on this budget and on next year's budget.

The agencies right now are not going to be affected to respond to Legislator Postal's comments by Monday. In fact, one omnibus gives them more money, one omnibus holds the line. I mean, if

we want to argue details, we can argue details. These agencies as well as the residents of Suffolk County deserve the very best. And to suggest that dialogue between now and Monday cannot possibly generate even a better budget that not only the Executive and Legislature could agree on, to me that doesn't seem to make sense in light of last year's budget process.

To stop dialogue, to stop conversations, there's no disagreement on my behalf that it should have happened sooner; but the fact of the matter is it has not. It's happened now. And to close the door on it only makes us as bad as the fact the dialogue never took place in the beginning. There clearly is an opportunity here to work more towards a middle position for everybody. And we should take that opportunity to do that.

LEG. CARACAPPA:

Paul?

P.O. TONNA:

Billy; then George; then Allan; then Cameron; then Joe; then Vivian.

LEG. LINDSAY:

I'm opposed to any recess. We have three plans before us today, two omnibuses and the County Executive's plan. And I think that we've spent an awful lot of time on this. We received the County Executive's plan in September. We received Budget Review's analysis in October. We called -- ten of us asked for a special meeting on October 28th. And we were told to come back November 7th and we'd address it then.

Here's November 7th. We're back here at November 7th. We spent an extensive amount of time last week on a bipartisan basis. All of us working on the plan -- on two of the plans before us today. And I agree with the Presiding Officer. If the County Executive doesn't like what we pass today, he has the power, the veto pen. And then we have the power to override it if enough of us want to do that.

So the process is not over by this vote today. It's really just starting. And the -- and the dialogue will take place after today if we move forward with this today. But to delay it any bit further, I think is just going to confuse the issue even further.

P.O. TONNA:

Okay. George.

LEG. GULDI:

Yeah. I wanted to respond to a couple of things. The fact that there's been ample opportunity for prior discussion doesn't change the fact that we still have opportunity for further discussion. And, well, you know, after nine years here, particularly with respect to budget processes, one can become somewhat cynical. The fact is that I'm extremely cynical about the prospect that during additional dialogue, that there'll be any minds changed.

But just like -- frequently, you know, the -- I for one during public portions or public hearings, when I'm out of my chair, it means that I'm in agreement with the speaker. When I'm not supporting the speaker's position or a bill that they want me to support, that's when as a Legislator I have the obligation, the duty, to listen.

And the reason I strongly feel that we collectively now have a duty to listen is because we collectively are not supporting the budget. Therefore, you know, in the words of Harry Truman, show me, show me what you got, convince me. I don't think you're going to, but I have the obligation to give you the opportunity. And notwithstanding the fact that you've had ample opportunity to do that in the past, and you've failed -- and even refused to exercise it -- I still have the duty to listen now, because we do have the time.

In addition, there are three-and-a-half inches of documents that were delivered to all of us this morning. Yes, we've had opportunities to see these in other forms, these in different drafts; much of this we are familiar with because of our past experience with the budget process. However, I'm not afraid of doing further analysis. I think that whatever's in the packet should be able to stand up to all the analysis we can give it.

So if there's anything that we should be afraid of in this process, it shouldn't be further dialogue and further analysis. Given my cynicism and my lack of support for the fundamental precepts of the budget, I feel -- I feel bound to table it to give the opportunity to listen to conflicting positions. And I urge you to join me in doing that.

LEG. LINDSAY:

Who's up, Paul?

P.O. TONNA:

Yes. Allan Binder.

LEG. CRECCA:

Paul, remove my name from the list. Paul, remove my name from the list.

LEG. BINDER:

The question we often find ourselves in, do we have to do it today whatever it is. Sometimes we have legislation that comes before us and it's not urgent, it doesn't have to happen that day or doesn't have to happen that meeting. But sometimes I guess there's a political feeling that it should happen now, whatever that word now means. Let's just do it.

The fact is that we have a system that allows us to wait a few more days. We called the meeting early enough to give us some kind of leeway. The leeway is until next Tuesday. That is the end of the process whether we like it or not. That will happen. That day will come. So there's no urgency to do it today. Doesn't confuse the process. Dialogue and communication doesn't ever confuse the process. It always furthers the process and gives an opportunity.

On Tuesday we're going to do something. There's going to be some omnibus. There's going to be something passed; most likely will be something like we're looking at today. But in any event, time is not the enemy of deliberation. We're supposed to deliberate. So if there's more time to deliberate, then why not do it? Why not give ourselves a few more days, whatever that means, because the clock hasn't run out. So you don't have to do it today unless there are other reasons or agendas or we've got to have it today because this is what we want.

The bottom line is I think it would be good for this institution, for this body, for us to at minimum appear deliberative; at maximum actually act deliberative. The four days is not going to change the ability of people to send out their taxes, because the process will take the exact amount of time it takes anyway, because there's a veto process that will ensue after this that will -- so the timing won't change for people in terms of getting their tax bills.

So nothing's going to change on that part. We have four -- we have until Tuesday. Let's at least give ourselves until Monday. And if we have until Monday, we might even find that we might want -- if we had to go until Tuesday, we'd still have even a little bit more cushion if we couldn't find consensus, ten on something. If we had a problem on Monday, we'd still even have that time. So Monday's a logical date. And I think it would behoove us to vote for this recess motion.

P.O. TONNA:

Okay. Now we're at Cameron.

LEG. ALDEN:

I have a couple questions of Paul Sabatino first. Legislator Binder just eluded to a date. The date is what? Let's put that on the record.

LEG. FOLEY:

Monday.

MR. SABATINO:

Under the Charter, the 52nd day, which is the measuring point from the date that the budget was submitted, would be the 11th. But because the 11th this year lands on Monday, as a public holiday, it would allow the deadline to go one more day. So midnight of the 12th would become the deadline.

LEG. ALDEN:

Okay. Following that, we would take action. It would go to the County Executive. He has how many days?

MR. SABATINO:

Then he has ten days from the date of receipt, which would normally be the next day. So if we -- we voted before midnight on the 12th, presumably late on the 13th it would get there. Then he has ten days to exercise the veto. Then you have the opportunity to override the veto the next ten-day cycle.

LEG. ALDEN:

Okay. I'm just going to make one other thing, too, as far as a statement. If we're thinking about adjourning to Veterans' Day and out of deference and respect to some of those that served and we have a number of veterans in this body -- Legislator Caracciolo, Legislator Haley, myself and I believe there's a couple others, right, Legislator Lindsay -- so out of deference we might want to consider just going right to Tuesday if we're going to do something like that. Because there are some things that some of us had, you know, actually planned in regard to Veteran's Day.

LEG. TOWLE:

Legislator Alden, would you suffer an interruption for a second?

LEG. ALDEN:

Absolutely.

LEG. TOWLE:

Since I made the motion, you're absolutely correct. And that was very inconsiderate of myself to not think of that. Obviously I just immediately thought of Monday; so I'll amend my motion to move it to Tuesday.

LEG. ALDEN:

Thank you.

LEG. TOWLE:

Thank you.

P.O. TONNA:

Okay. Joe?

LEG. HALEY:

Second.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I'll try and put my simplistic but realistic view on this. First and foremost I appreciate the County Executive's willingness to reach out to each and every one of us yesterday and last night in an attempt to talk about some of the things that we have in our plan with relation to your amendments whether it be Omnibus 1, Omnibus 2.

The only thing that bothered me was there was no plan, there was no idea associated with the phone call, though he may have some. I think to a person, I could look at all of you -- I don't think anyone during our phone calls there was any idea given as to what the idea was. Now he has concerns and so do I with relation to both omnibuses that -- there are some one-shot revenues, there are some speculative revenues in next year's budget as well. But I think some of those are based on good management.

And I firmly believe the County Executive will be able to see the realization of those revenues through good management next year. He has the tools and he has the skills. And I'm confident that will happen. The realistic approach here that -- what I want to bring to the table -- the next

couple days is going to be about one thing on my mind; getting you to change your mind about sales tax on clothing and footwear and a tax increase in the General Fund.

The reason I said before no one was brought -- no one had a plan brought to them by the County Executive yesterday is because that's -- there is no other plan in my view. They want us to do sales tax on clothing, they want a General Fund property tax increase. So you can either wait a couple days and have them come to you time and time again saying we have to do sales tax -- I think we've rejected the sales tax notion on clothing and footwear early.

To do it now -- we're just starting from square one again. So decide now. Do you want to do sales tax or not? You want a General Fund property tax or not? That's the real realistic view here. Anything else I think is just a shell game. Though, again, I appreciate the County Executive's effort. I'm willing to work with them. I've been willing to work with them from day one. But it comes down to those two items. That's it. More taxes or less taxes.

D.P.O. POSTAL:

Legislator Fisher.

LEG. VILORIA-FISHER:

That was a perfect segue. Thank you, Joe. Because there have been statements made regarding the County Executive's ability to discuss the omnibus amendments today because he hasn't had an opportunity to study them. However, every one of us received a phone call last night. And inasmuch as the County Executive was able to make those calls last night with a great deal of criticism regarding the two omnibus amendments and make those statements, I've proposed and I would like to piggyback on what Legislator Bishop said, I propose that we invite the County Executive to come here today and outline for us the points that he made to each of us individually in telephone conversations last night.

He made the following statement. It's a flawed budget, it's not a balanced budget, it will affect our bond rating. He had called in question a 14 million dollar item in the budget where his point of view seemed to disagree with the information that we had received from Budget Review. I believe that these issues should be discussed in a public forum. I have seen one of the great flaws of our system to be that much of what has been hammered out in the budget is done behind closed doors. It's necessary, you need to have work groups, but our work -- our Omnibus Committee works very. Very hard. However, when those of us who are not on the committee

attend, we run the risk of making that number reach the magic number of ten, which means that we either have to make it a public meeting or not continue with the omnibus or the Budget Committee meeting, so that it is difficult to get all of us together during these periods of communication where we're trying to hammer out the details of the budget.

If we were to table the budget discussion until -- or the budget vote until next Tuesday, while we would have another week of meetings, where not all 18 Legislators are privy to the contents of the meetings. And I believe Legislator Binder and Legislator Cooper, you may agree on that, that you were not privy to all of the meetings as well.

And so if we are going to have a true communication between this Legislature and the County Executive, if the County Executive feels that his critique of these omnibus amendments are so important that he must communicate with all of us, then I believe that we should invite him to this public forum to have -- to air those criticisms in a very public way so that we can all 18 of us respond to them.

And as Legislator Caracappa just stated, his greatest arguments with the omnibus amendments are that, number one, they are balanced with one-shot items. And number two, that they eliminate the sales tax on clothing or continue the elimination of sales tax on clothing. And number two, have a zero General Fund property tax. These are issues that should be discussed publicly; not behind closed doors.

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. Fred, I'd like to start by picking up on some references that were made by Legislator Fisher with regard to conversations with the County Executive wherein representations are made that the County Legislature is in a process of adopting a flawed budget, is in the process of adopting a budget that is not balanced, that is in the process of adopting a budget that includes 14 million dollars that's not -- not going to materialize. So let's go back to the first question. The omnibus resolutions that have been prepared by various Legislators, I believe twelve on Omnibus 1, five or six on Omnibus 2, are they flawed?

MR. POLLERT:

The two major amendments that are the omnibus budget amendments are balanced as presented with total revenues equalling total expenditures. The revenues that have been included are either revenues that have been identified in the Budget Review Office report, or they were subsequently identified by the Legislators through the budget discussion process.

LEG. CARACCILOLO:

Well, as the Director of the Budget Review Office and a fine staff of twenty professionals who have worked, I believe, over seven hundred hours, not only reviewing each departmental budget, reviewing the proposed budget, but providing to the Legislature as you do annually your analyses and recommendations, many of which have been incorporated in the budget amendments that lie before us, you would then take issue with the characterization that this is a flawed budget that is not balanced?

MR. POLLERT:

That's correct. The budget is balanced. The revenues which are included in the two omnibus bills will, in our estimation, be able to be realized.

LEG. CARACCILOLO:

Right. Mr. Chairman?

P.O. TONNA:

Yes, Mr. Caracciolo?

LEG. CARACCILOLO:

I think it's time for the representative body of this County, the 18 elected Legislators who represent the 1.4 million dollars to stop --

LEG. CARPENTER:

People. People.

LEG. CARACCILOLO:

-- people. Dollars? People.

P.O. TONNA:

There's a budget cut -- Legislator Caracciolo, you brought two billion -- 2.2 billion dollars -- I'm

telling you, that's cutting it.

LEG. CARACCIOLO:

1.4 million residents to stop dodging the bullet, stop putting off to another day our responsibilities. Just share with me, Mr. Chairman, what you shared yesterday with the editorial board of Newsday, the numbers of hours that have been put into this work product?

LEG. HALEY:

You got our spin out ahead of time.

LEG. BINDER:

Oh, Newsday.

P.O. TONNA:

I don't think I just shared it with them. I think I've shared it with anybody who was interested when listening to the process. Just in the Legislative branch alone there's over 9,347 hours of work. Now there are two or three Legislators that we couldn't add in because I didn't see them here, okay? But generally speaking outside of those two or three Legislators, we had Budget Review Office hours; 5,281 hours.

Caucus meetings, I didn't want to presume what the Democratic Caucus led -- I know there are some members there who are painstakingly detail-oriented so I think it's probably double ours. But there's at least 217 hours worth of time in caucuses, joint sessions with Legislators. And of course this is a very informal number, but over 3,000 hours just in the last three weeks. We had over 233 hours of public hearings. All right? For anybody who says this budget has been done in the back room or didn't have enough time to listen to the people with over 140 speakers. So -- and then we have Paul Sabatino who just last week spent 200 hours. And his staff.

LEG. FOLEY:

Are those billable or what?

P.O. TONNA:

That's some -- those are some -- those are hours -- those are hours and then we didn't include, you know, discussion with the press. So, basically -- anyway, so basically what I'm suggesting is

there's almost 10,000 hours that the Legislative branch informally, all right, formally opened to the public, listening to people. And that doesn't even come close to I know the numerous meetings that I've had with different private residents, with different groups that came into talk about budgets with different department heads, with different County Commissioners who wanted to speak to me about the budget and everything else.

So I would say that anybody wants to say that we haven't had enough time, everybody knew what we were scheduled for early on. You had a Budget Review Report you could have looked at. Every Legislator numerous was encouraged to deal with other Legislators to talk about a budget. I know that the appropriate caucuses established enough time to sit down and talk about it with their caucus members. And, again, except for some people who, you know, were glaringly absent during this process at least in these halls, I would say that generally speaking there's a lot of work here.

LEG. BISHOP:

He's not coming over, is he?

LEG. CARACCILOLO:

Thank you, Mr. Chairman

P.O. TONNA:

Thank you.

LEG. CARACCILOLO:

The point that I'd like to lead up to here is it's clear what has to happen when you have a situation that we are faced with, with unfunded State mandates to the tune of seventy plus million dollars, when you have a County budget that's not Albany's responsibility but it's counties' responsibility increasing at over 100 million dollars a budget -- a year. You can't blame Albany for those increases. So it comes down to managing your revenues or cutting back on your expenses.

Now, quite frankly, as everyone knows, I've been a longtime critic of the County not cutting back on enough expenditures. Every year I say what I'm going to repeat right now. And that is there's really -- there has been no real effort in the last decade to really trim back, consolidate and cut County spending.

When I brought that up at the very first meeting we had with regard to this year's proposed budget, some of my colleagues said, well, we trimmed the work force by 635 employees. No, we didn't trim the budget by 635, because as Legislator Foley knows, and I have a chart here that demonstrates, next year's budget is going to refill almost all of those positions. There are 328 SCIN forms that have been signed.

So anybody who is under the illusion that we're only going to back fill one in five vacant positions, that's what it is, folks, an illusion. And anybody who was at those meetings that many of us attended knows that's a fact. So where do you run into problems? When you refuse to take the hard and fast difficult decision to hold the line on your expenditures.

So what's the alternative? If you don't want to cut, that means you've got to raise. And what are you talking about raising? You're talking about raising taxes. So let's stop the charade. If there are people here today who want to agree with the County Executive and repeal the sales tax on clothing and footwear, when we get to the agenda, item number five, in case anybody didn't look at it yet says very clearly to consider and vote on IR 2046, repealing sales and compensating use tax exemption on clothing and footwear, if discharged from committee. So those who want to play the game, make the motion to discharge that resolution, let's have a vote today up or down and let's get on with our business. Thank you.

D.P.O. POSTAL:

Legislator Fields.

LEG. FIELDS:

As has been stated by a couple of the Legislators here today, there were those Legislators who have taken this job seriously and have shown up at every meeting that they could and tried to get as much information as they could. We have a Budget Review Office that worked how many hours; 3,000 hours?

LEG. CARPENTER:

Five thousand hours.

LEG. FIELDS:

Five thousand hours. That Budget Review when I called on a Sunday afternoon and a Saturday night and a Saturday morning, they were here. They chose to take that budget, their

recommendations, work with the Legislators who wanted to work with them and put in a tremendous amount of time and effort. There were those Legislators who were absolutely absent in that process. They know that there was a process. We had a meeting the other day that was recessed because -- for whatever reason. And we were told we would be back here today to vote on the budget. Well, we're back here today to vote on the budget. Let's do it. I make a motion to vote on the budget.

D.P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

There was -- there are many comments that have been made but there's one that I feel I wanted to address. One of the people who were advocating for us to table the meeting today or the agenda today and move it to another day suggested that by doing so, it would give us as Legislators the opportunity to appear to be deliberative. Well, I can only speak from this Legislator's point of view. I don't need an opportunity to appear to be deliberative because I have been very deliberative. And as has been cited by many Legislators before me here today, we have chosen to be a part of the process. And as Legislator Fields said Budget Review Office was here literally around the clock all weekend long available for anyone who wanted to be a part of the process.

We had an opportunity to have our wishes and the things that were important to us as Legislators included. And I think Legislator or Presiding Officer Tonna really reinforced that in reciting the amount of hours and time that has been spent on this process. And it probably sets all records. So to say that this body has not been conscientious, I think overall the majority of Legislators do take their jobs very, very seriously, do take this process very, very seriously. And I think as has been said, it is time for us now to do our jobs and move forward with this budget process.

P.O. TONNA:

Okay. Marty; and then Vivian. Vivian, you haven't spoken yet, right?

LEG. VILORIA-FISHER:

I spoke once.

P.O. TONNA:

You want to speak again.

LEG. HALEY:

I don't understand why we're debating whether or not this Legislature has done their work. I think it's real simple; simple question is, is that the County Exec has asked for a little more time to review that which we just generated for his review over the last three or four days. I don't think that that's a big deal.

The other question I have of BRO, somebody mentioned sales tax figures coming in for tomorrow. Are they due in tomorrow?

MR. POLLERT:

The sales tax comes in on a regular basis. It's basically a quarterly allocation system, but there are often two or three checks during the month. The first check came in on November -- hold on -- on November 4th. There was an increase of 13.3 percent. It's difficult to try to forecast on the checks as they come in because there were so many adjustments that are only reconciled at the end of the month. But there was a 13.3 percent increase in the first check, which was on November 4th, which is clearly good news.

LEG. HALEY:

Right. So it's safe to say the Executive branch sometimes is at a disadvantage because they have to provide the budget to us by the middle of September; and yet now we start to get the pictures and adjustments on the sales tax. And that puts us in a little bit better position. Although I know over the years that you have communicated on a regular basis with the Budget Office and let them know and you readily share that information.

But it seems to me that it makes all that more sense just to wait until Monday or Tuesday, whatever the day we would decide, to at least see what that sales tax -- maybe paint the picture a little but more clearly than we've had to date.

Now I don't want to debate -- I think what's happened is we've gotten away from the issue of working with the other branch of government and an understanding that we have a very unique problem this year with revenues. Some Legislators have decided to talk about, you know, comments about whether this balances or it doesn't balance. There's no doubt in my mind that it balances. And I'm sure that if the figures were given to the Budget Office from BRO, the figures will actually balance. The tremendous issue right here, unless Legislator Caracciolo is correct, our inability to cut expenses requires us to find the revenues necessary. And therein lies the

problem.

We know, okay, and I don't expect you and it's rhetorical but we know that there's one-shot revenues in here. And I think that perhaps that's some of the problems that some of us have but I think the County Executive doesn't in particular. And we need to work through that. I in particular -- there is a point where I tend to not vote for sales -- any increases in taxes but -- historically I haven't. But I think there comes a time we may have to do that. But I really -- before I do that, I would like the opportunity to see what we can work out with the Executive's side. Maybe we can come up with something that requires an increase that at least we can show that we've done some efforts in reducing expenditures.

P.O. TONNA:

Okay. I'm going to beg the indulgence of everybody. We have three more speakers. Let's move through this so that we can figure out what we're doing today. Vivian?

LEG. VILORIA-FISHER:

Thank you, Paul. I would like to again propose a compromise, because I don't think this is about the two people who might not have worked on the budget as hard as others did. I think this is about opportunity and dialogue. Legislator Guldi referred to the request made by the County Executive to enter into a dialogue with us, and his statement that if someone presents -- if there is a side that presents a point of disagreement, that they should be given the opportunity to present their points.

With that in mind -- and by the way, I do also want to reiterate how hard Budget Review has been working. I was on the phone with Fred Pollert Sunday morning and was surprised that he was there and available Sunday morning. I would like to propose that rather than recess until Tuesday, with the voluminous amount of material that's before us, and I believe that we should take a look at it, we should just quietly look at it, because this is a synthesis of the work that's been going on for a week or two weeks, or two months. It is a synthesis. And we should look at it as a whole.

I propose that we recess for two hours, invite the County Executive or his office to come here and present their questions or their -- the issues that they have and vote on this today. But give ourselves an opportunity to look at this in a quiet -- in a quiet way. And number two, give the County Executive an opportunity to come here this afternoon. And I think he has had enough time to look at it inasmuch as, as I said earlier, he had called all of us with very clear points of view yesterday. Thank you. So Paul, would I have -- Paul Sabatino, is it okay to make a motion

now to recess for -- to table this for two hours?

MR. SABATINO:

The problem we have is you could make that as a suggestion, but right now there's a motion to recess until Tuesday. That motion because it was first in time takes priority. If that motion were to fail then you could make your motion to recess for two hours.

LEG. VILORIA-FISHER:

Okay. I would like to ask my colleagues to consider that as a compromise. Thank you.

LEG. BINDER:

I support that.

P.O. TONNA:

Okay, great.

LEG. FOLEY:

Mr. Chairman?

P.O. TONNA:

Okay. No. Legislator Caracciolo; then Foley.

LEG. CARACCILOLO:

Let me thank Legislator Haley for making the inquiry of Budget Review Office about sales tax and the phantom news that tomorrow's going to produce some surprise with sales tax numbers. It's that kind of thing that always gets under my skin. It's not going to happen. Budget Review and Robert Lipp will be calling the State this afternoon. So if we're here for a little while longer, we'll be back at 5:00 to interview a law firm, we'll have that information.

But, really, bottom line, bottom line, I mean whether it's today or Tuesday, it comes down to are there enough representatives around this horseshoe who are inclined to repeal the sales tax on clothing? That's the County Executive's plan. We don't have to wait until Tuesday. It's on the agenda. Item number five. Let's discharge it from committee and have a vote today. If that's not the inclination, then only omnibus one or two provides and produces a balanced budget. Thank you.

P.O. TONNA:

Thank you. Brian? Hopefully this is the last.

LEG. FOLEY:

Legislator Fisher's motion is an interesting one. And there is plenty of precedent for it. There was a time when then County Executive John V.N. Kline would himself appear before the Legislature and debate, discuss, pros and cons of different resolutions. He looked upon it not only as a responsibility of his office but him being who he is, he also looked upon it as an intellectual exercise of him competing with 18 Legislators. So perhaps it's time to revive that particular tradition.

And given the fact -- given the fact that the County Executive has now suddenly expressed concerns about this proposed budget -- well not the proposed budget but the -- concerned about what we have developed here, the only way -- the only part I would amend Legislator Fisher's motion is not to have representatives of his office, but to have himself, as we would say, across the sea in the Emerald Isle, have himself appear here, have himself make the case, have himself discuss the pros and cons of his proposed budget since he's had a number of months to have the same information that we had.

let me just finish with this, Mr. Chairman, to make one correction to what Legislator Haley had mentioned. Yes, it is true once he proposes his budget, things can change as far as new information about sales tax and the like. However, Legislator Haley forgot to mention that under the terms not of the U.S. Constitution, but under the guidelines of the County Charter, he has on the ability throughout the budget process to amend his own proposed budget. So if and when there was the good news of additional -- of sales tax revenues that had appeared last month, he had the opportunity at that time, at that time to amend his own proposed budget, and then to come over to us at that time to engage in some to and fro about amendments to his own budget.

So those opportunities were there. He does have the opportunity to come here in two hours' time to discuss with us directly himself where he sees the problems and let's have a full -- an open transparent and robust debate, discussion about these competing budgets. I have no problem with that.

P.O. TONNA:

Okay, great. Motion and a second. There's a motion and a second to recess until Tuesday. Okay. Let's say what time? 11:00? Is that good?

LEG. GULDI:

You think, Mr. Presiding Officer, it would be possible to call all the Legislators?

P.O. TONNA:

All Legislators please come to the horseshoe.

LEG. CARPENTER:

Especially the one that made the motion.

P.O. TONNA:

What time, Fred? What time is your motion; 11:00?

LEG. TOWLE:

Eleven is fine.

P.O. TONNA:

Okay. There's a motion and a second.

LEG. TOWLE:

On the motion.

P.O. TONNA:

No. We've on the motioned enough. Fred, come on.

LEG. FOLEY:

On the motion. I would ask Legislator Towle whether or not we could first have the motion to recess this meeting until four o'clock today to have the County Executive appear here as the first motion. If that -- if that's not approved then we can go to Tuesday.

LEG. TOWLE:

Legislator Foley, my only concern about that -- obviously I'm not speaking for the County Executive. I don't know where he is. Obviously if he could be here at four o'clock, you know, if the first motion fails, why don't we recess for five or ten minutes and then call the Executive to see what his schedule's like to get him over here before we pass something like that, if that would be okay.

P.O. TONNA:

We have a motion and a second. We have a motion --

LEG. CRECCA:

We have a committee meeting scheduled all day Tuesday.

P.O. TONNA:

I know. Listen. Guys, there's a motion and a second. Let's just vote on this. Okay? Legislator Towle has offered an alternative. There's a second on it. Let's do the respect. We've just debated it for an hour. Let's give him the respect of voting this.

LEG. FOLEY:

Question for counsel.

P.O. TONNA:

Roll call.

LEG. FOLEY:

Question for counsel.

P.O. TONNA:

Brian.

LEG. FOLEY:

Question for Counsel. Counsel, if this motion fails and the next motion fails to come back at four o'clock, can someone on the prevailing side bring back the motion to table the meeting until Tuesday?

LEG. TOWLE:

At a different time?

MR. SABATINO:

If it's a different time, it would be a different motion.

LEG. FOLEY:

Okay, fine.

P.O. TONNA:

Brian, Brian, vote for them all. Just vote for them all so you don't have to worry. Go ahead.

(Roll Called by Mr. Barton, Clerk)

LEG. TOWLE:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yes.

LEG. CARACAPPA:

No.

LEG. VILORIA-FISHER:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. COOPER:

No.

D.P.O. POSTAL:

No.

P.O. TONNA:

No.

MR. BARTON:

Four.

P.O. TONNA:

So we just spent an hour on four people wanted something.

LEG. FOLEY:

There's another motion.

P.O. TONNA:

No, there is not another motion. There's another motion that wants to be made. Legislator Fisher?

LEG. VILORIA-FISHER:

Yes. I would like to make a motion to recess until four o'clock and invite the County Executive to come before us to present his issues.

LEG. BISHOP:

Doesn't take two hours to get across the street.

LEG. VILORIA-FISHER:

Would you like to make it three o'clock? I'll amend my motion for one hour.

P.O. TONNA:

Okay. Could I just say -- could we just -- let's roll call.

LEG. FOLEY:

Second.

MR. BARTON:

Who's the second?

LEG. BISHOP:

Second. I'll second that.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. GULDI:

Oh, pass.

LEG. TOWLE:

Pass.

LEG. CARACAPPA:

No.

LEG. HALEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

No.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Pass.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. COOPER:

No.

D.P.O. POSTAL:

No.

P.O. TONNA:

No.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yes.

LEG. TOWLE:

No.

LEG. ALDEN:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

MR. BARTON:

Four.

LEG. FOLEY:

Mr. Chairman, I make a motion to recess until Tuesday at noontime.

P.O. TONNA:

Brian, can I ask you something? What is the logic when you had two four votes for the similar -- you know what, fine. Roll call. Roll call.

(Roll Called by Mr. Barton, Clerk)

MR. BARTON:

Legislator Foley?

P.O. TONNA:

Until four o'clock. On Tuesday at four o'clock.

LEG. FOLEY:

Recess -- no, at noontime on Tuesday.

P.O. TONNA:

Okay. Oh, I'm sorry. That was a big difference. Fine.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

No.

LEG. VILORIA-FISHER:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes, because Paul was mean to Brian.

LEG. BINDER:

Yes.

P.O. TONNA:

I'm such a nasty guy.

LEG. COOPER:

No.

D.P.O. POSTAL:

No.

P.O. TONNA:

No.

MR. BARTON:

Six.

P.O. TONNA:

You got six now, Brian. Let's try one more.

LEG. HALEY:

Try for one o'clock.

P.O. TONNA:

Okay. I would like to get to work now.

We have number two which is **IR 2114, (A resolution delegating to the County Comptroller of the County of Suffolk, New York, the power to authorize the issuance of and to sell not exceeding \$250,000,000 tax anticipation notes of said county in anticipation of the collection of real estate taxes or assessments levied or to be levied by said county for the fiscal year commencing January 1, 2003, and providing for other matters in connection therewith.)**

Okay. I want to lay that on the table. All in favor? Opposed?

LEG. FOLEY:

Wait a second, Mr. Chairman.

LEG. CRECCA:

Second. I'll second the motion, Mr. Chairman.

P.O. TONNA:

Thank you. All in favor? Opposed?

MR. BARTON:

Eighteen.

P.O. TONNA:

Thank you. Okay. Goes to finance. Thank you. Okay. Where are we? We have **number four (IR 1991 - 2002, transferring contingent funding for various contract agencies.)** Motion by Legislator Lindsay, seconded by Legislator Foley. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Thank you. Now you turn the page. We're at **five IR 2046 (repealing sales and compensating use tax exemption for clothing and footwear sales.)** There's a motion -- I guess a motion to --

LEG. CARACCIOLO:

Mr. Chairman, I'll make a motion for the purposes of discharge.

P.O. TONNA:

Forget it. If it's not discharged, it doesn't --

LEG. CARACCIOLO:

But I want to make a motion to discharge from committee. Let's get it on the floor. Let's have the vote. And let's stop this charade.

P.O. TONNA:

Motion by Legislator Caracciolo, seconded by Legislator Alden.

LEG. CARACCIOLO:

For the purposes of defeat, I might add.

P.O. TONNA:

Okay. All in favor? Opposed? Fine. It's in front of us now, right?

MR. BARTON:

18.

P.O. TONNA:

Right? Legal, Counsel?

MR. SABATINO:

The motion to discharge, now it's before you.

P.O. TONNA:

Okay. Can we -- do we have to wait an hour?

MR. SABATINO:

No. On a special meeting notice, that lists the resolution, there's no one hour.

P.O. TONNA:

Right. Okay. So now -- is there a motion to approve?

LEG. CARACCIOLO:

No.

P.O. TONNA:

Second? It fails for a lack of a motion. Thank you very much.

LEG. BISHOP:

For the purpose of defeating.

P.O. TONNA:

It is. Thank you. Number 6, to consider **I.R. 2047-2002; to adopt the County Executive 's Recommended Operating Budget for Fiscal Year January 1, 2003 through December 31, 2003 for the County of Suffolk.** Okay. Is there a motion?

LEG. ALDEN:

Was it discharged in committee?

LEG. GULDI:

Mr. Presiding Officer --

LEG. BISHOP:

-- Executive's Recommended Budget?

LEG. GULDI:

Mr. Presiding, I want to go back to 2046 and make a motion to approve for purposes of defeating.

LEG. BISHOP:

Second.

LEG. GULDI:

I want to be on record as voting against it.

LEG. VILORIA-FISHER:

Second.

P.O. TONNA:

Okay.

LEG. GULDI:

Okay.

P.O. TONNA:

So -- go ahead.

LEG. GULDI:

On 2046 I want to make a motion to approve for the purpose of defeating.

P.O. TONNA:

Yes. Whose the second?

LEG. VILORIA-FISHER:

I'll second that.

P.O. TONNA:

Okay.

LEG. GULDI:

And ask for a roll call on the vote.

P.O. TONNA:

Fine. Go head.

(Roll Called by Mr. Barton, Clerk)

LEG. GULDI:

I'm opposed.

LEG. VILORIA-FISHER:

No.

LEG. CARACCIOLO:

No.

LEG. TOWLE:

No.

LEG. CARACAPPA:

No.

LEG. HALEY:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

No.

LEG. BINDER:

No.

LEG. COOPER:

No.

D.P.O. POSTAL:

No.

P.O. TONNA:

Yes.

MR. BARTON:

1 - 17.

LEG. GULDI:

Thank you.

LEG. BINDER:

Wait a minute. I usually do that.

P.O. TONNA:

All right. I think that was -- well, whatever. Thank you. There you go. Use it in a mailer. I'm sure my district will love it. Okay. There you go, Freddy. All right. It would be great. It would keep you busy. Okay, now we're at six.

LEG. BISHOP:

This is on the County Executive's budget.

LEG. ALDEN:

Was it discharged?

P.O. TONNA:

Yes. If it's discharged -- it hasn't been discharged.

LEG. BISHOP:

I'll make a motion to discharge from committee.

LEG. FOLEY:

Second.

P.O. TONNA:

Okay. All in favor? You know what, by the way, that other vote, change my vote to an abstain.

LEG. TOWLE:

So my brochure scared you to an abstention.

P.O. TONNA:

I said why use -- why use -- what thirty, forty hours of Fred Towle writing brochures.

LEG. TOWLE:

So my brochure scared you to an abstention.

P.O. TONNA:

I didn't want you to have to use your campaign --

LEG. TOWLE:

A profile in courage.

MR. BARTON:

So the vote is 0 - 17 and one lonely abstention.

LEG. BISHOP:

Proud abstention

P.O. TONNA:

There we go. Okay. Just thinking for the future.

Here we go, number six. There you go 2047. Is there a motion to discharge?

LEG. FOLEY:

There was already by Legislator Bishop.

LEG. BISHOP:

Yes. I made it.

P.O. TONNA:

Bishop. And seconded by who; Binder?

MR. BARTON:

Foley.

P.O. TONNA:

Foley? Okay. All in favor? Opposed? It's in front of us.

MR. BARTON:

18.

P.O. TONNA:

Okay. Now we can vote on it.

LEG. BISHOP:

This is the County Executive's proposed budget.

P.O. TONNA:

Yes. There you go. We want to get that business out of the way.

LEG. BISHOP:

Absolutely. I think it's remarkable.

LEG. CARACCIOLO:

Point of order. I believe the County Executive's budget includes the repeal of the sales tax as revenue. The question becomes since that resolution has been defeated, is this motion in order?

P.O. TONNA:

It will fly to the tax levy.

LEG. CARACCIOLO:

In other words, if this resolution were approved, since the previous resolution were defeated, you would revert to the lost revenue from the repeal of 58.2 million dollars in 2003 being transferred over to the property tax levy. And Suffolk County residents would see an increase in property taxes next year of 58.2 million dollars, counsel? Is that correct?

MR. SABATINO:

It wouldn't be the full 58 because you would bump up against the tax levy cap. I think it would be -- 38 or 39 million of that would free float. And then you'd have an imbalance of approximately 19 million dollars.

LEG. CARACCIOLO:

So, Mr. Bishop, based on that explanation by counsel --

LEG. BISHOP:

I made the motion for the purpose of defeating.

LEG. CARACCILO:

I understand. But I want to make sure that whatever motion is entertained, that it's entertained in a fashion where you can actually implement what it is you may want to accomplish here. And I understand you want to defeat the resolution. But if there are those inclined to support it, they have to understand the consequences. 38 or 39 million dollars would re-float to the general property tax levy -- or both tax levies, Paul? Is it both or just general property?

MR. SABATINO:

Thirty-eight million would be on the general fund.

LEG. CARACCILO:

General fund. And then you'd have a structural imbalance.

MR. SABATINO:

Well, you'd have an imbalance at that point because without the 14 votes in place --

LEG. CARACCILO:

So we would be in the very situation of having a balance that's -- a budget rather than that's not balanced.

MR. SABATINO:

At that juncture, it would be out of balance.

LEG. CARACCILO:

Okay. Thank you.

LEG. BISHOP:

Paul?

P.O. TONNA:

Okay. Yes, Legislator Bishop?

LEG. BISHOP:

Legislator Caracciolo has helped me make a point, which is that in some conversations that have

been had recently, there's been the suggestion that too many revenues are speculative. Well, the essence of a speculative revenue is what you have in the last vote, where this -- his budget, vote number six, was predicated on adoption of item number five. It didn't come to pass; therefore, it was speculative. So for the Executive to criticize on speculative revenues when his whole budget is based on a speculative revenue --

P.O. TONNA:

Wait. Dave, come on. I just -- in all fairness. No.

LEG. BISHOP:

You're the arbiter of fairness.

P.O. TONNA:

No. Wait. I'm not the arbiter of fairness. I hope to be the minister center of pain.

LEG. TOWLE:

That's another brochure. Thank you. Two brochures today.

P.O. TONNA:

But I will say this.

LEG. BISHOP:

What are you going to say?

P.O. TONNA:

The County Executive brought over a budget. It wasn't a speculative revenue. He had --

LEG. BISHOP:

It is.

P.O. TONNA:

Come on. You want to play with semantics with the word speculative. He had -- he had a plan. He said how he was going to fund that plan. We reject it, we like it, we don't like it, whatever. But to say that he gave speculative revenues is an absolute -- that's disingenuous. That is disingenuous.

LEG. GULDI:

Mr. Presiding Officer, on the motion --

LEG. CARPENTER:

Oh, come on.

LEG. GULDI:

On the motion.

D.P.O. POSTAL:

Is there a second? I'll second the motion.

P.O. TONNA:

Yeah. To discharge, yeah.

LEG. GULDI:

I'm sorry, I have to reply to your remark, Mr. Presiding Officer.

P.O. TONNA:

Which one of my big callous remarks?

LEG. GULDI:

Not the minister of pain and not the arbiter of fairness.

P.O. TONNA:

I'm saying I'm fantasizing about that. That's what I fantasize about right now.

LEG. GULDI:

I don't want to know -- I don't even want to go there. What I would rather discuss is the speculativeness of budgets. The fact of the matter is the -- you may be right; it may not be speculative budgeting to forecast 40 million dollars on revenue that is based on a tax increase, that there was only one fool who was willing to consider voting yes for it and even he for only a moment; that's not speculative.

P.O. TONNA:

I'm not going to argue with the word fool. My wife says that every day.

LEG. GULDI:

Never mind. I didn't want to go there either. But the -- that's not speculative. It's perhaps disingenuous? Dishonest?

P.O. TONNA:

That the County Executive brought that over?

LEG. GULDI:

It's certainly -- it's certainly less than speculative. If it was speculative, you would have at least had like maybe four votes for it.

P.O. TONNA:

All right. All right. Thank you, Legislator Guldi.

D.P.O. POSTAL:

Mr. Chairman --

P.O. TONNA:

And by the way I just want -- do you run semantic classes later because I would love a little semantic lesson.

D.P.O. POSTAL:

Mr. Chairman, my second was on the motion to approve for the purpose of defeating because we've already discharged the resolution.

P.O. TONNA:

All right. So there's a motion and a second.

LEG. HALEY:

Motion to table.

LEG. ALDEN:

Second.

P.O. TONNA:

Motion to table and second. Okay. Great. There's a motion and a second. All in favor?
Opposed? All right. Roll call.

MR. BARTON:

On the motion to table.

(Roll Called by Mr. Barton, Clerk)

LEG. HALEY:

Yes.

LEG. ALDEN:

Yes.

LEG. CARACCIOLO:

Abstain.

LEG. GULDI:

No.

LEG. TOWLE:

(Not Present)

LEG. CARACAPPA:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No. I want to deal with it now.

LEG. FIELDS:

No.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

No to table.

LEG. NOWICK:

Pass.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. COOPER:

Nope.

D.P.O. POSTAL:

No.

P.O. TONNA:

No.

LEG. NOWICK:

No.

LEG. TOWLE:

No.

LEG. CARACCIOLO:

Change my vote to a no, Henry.

P.O. TONNA:

All right, there we go. Now there's a motion and a second.

LEG. BISHOP:

Roll call.

P.O. TONNA:

No. Whose -- who is the --

MR. BARTON:

Five.

P.O. TONNA:

Yeah.

MR. BARTON:

Five on the table.

P.O. TONNA:

Okay.

MR. BARTON:

The motion to approve was Legislator Bishop.

P.O. TONNA:

Okay.

LEG. FOLEY:

First he has to call the vote.

MR. BARTON:

Five on the tabling.

(Roll Called by Mr. Barton, Clerk)

D.P.O. POSTAL:

I'm sorry. The motion was to approve?

MR. BARTON:

Approve.

D.P.O. POSTAL:

No.

LEG. CARACCIOLO:

Nope.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. CARACAPPA:

No.

LEG. VILORIA-FISHER:

No.

LEG. HALEY:

Abstain.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

Abstain.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BINDER:

Abstain.

LEG. COOPER:

No.

P.O. TONNA:

Abstain. Okay.

MR. BARTON:

0 - 14 - 4 abstentions.

P.O. TONNA:

All right. I am told --

LEG. BISHOP:

Zero in favor.

P.O. TONNA:

I am asked --

LEG. BISHOP:

I just want to know was that so painful you had to have a 30-second meeting last time? That's all we wanted to accomplish.

P.O. TONNA:

All right, there you go, Dave. You're so right. You're so right. There's one for the Lilliputians. Now, let me just say, I just ask this. Okay? Just quickly. Just one quick question. I would beg my colleagues' indulgence. There's a CN. I hear that there is discord at the Board of Elections. And since we don't have a Republican Board of Elections Commissioner, I am asked at this moment -- we have a CN. I ask at this moment can we just vote this guy up or down so that -- just listen to me -- I'm asking -- I have been told at the Board of Elections there is a whole bunch of things going on and they need some direction from a Commissioner just to the end of the year

LEG. CRECCA:

Also the Deputy Commissioner is not there. She's in the Hospital today so --

P.O. TONNA:

Right. All right. I'm going to make the motion. I think Legislator Binder --

LEG. FOLEY:

On the motion --

P.O. TONNA:

Legislator Binder made the motion. It's to take it out of order first. There's a motion to take it out of order. There's a motion by myself, seconded by Legislator Binder. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Thank you. Now there's a motion by myself to approve, seconded by Legislator Binder.

LEG. FOLEY:

On the motion, Mr. Chairman. On the motion, Mr. Chairman.

P.O. TONNA:

Yes, Legislator Foley.

LEG. FOLEY:

I would ask Mr. Garfinkle to come to the podium, please.

P.O. TONNA:

He's at the Board of -- is he here?

LEG. FOLEY:

Is he here? No, he's supposed to be here.

P.O. TONNA:

He's at Board of Elections volunteering.

LEG. FOLEY:

No, he's supposed to be here.

P.O. TONNA:

Okay.

LEG. FOLEY:

When we spoke yesterday, I had mentioned to him I had several questions to place on the record. And he told me he would be here. In fact, he is, Mr. Chairman.

P.O. TONNA:

Oh, he is?

LEG. FOLEY:

And with a little patience --

P.O. TONNA:

Ah, there he is. There he is. There you go, Bob.

LEG. FOLEY:

If we could have the designee go to --

P.O. TONNA:

The designee?

LEG. FOLEY:

Go to the --

P.O. TONNA:

Go to the galley?

LEG. FOLEY:

To the podium, please.

MR. Garfinkle:

Good afternoon.

LEG. FOLEY:

Mr. Chairman, if I may? Mr. Chairman?

P.O. TONNA:

Legislator Foley, you may begin with your questioning.

LEG. FOLEY:

Thank you, Mr. Chairman.

Mr. Garfinkle, thank you for appearing at the podium and for us to follow up on a discussion that we had in private. And As we both know and let the record reflect that I had spoken with the potential appointee the other day to have him prepared for the questions that I had. Now as you know, Mr. Garfinkle, that on January 22nd of this past year, the public, the voters of the Town of Brookhaven had approved the creation of counsel districts. And as you know that under New York State law that in order for the districts to be created in time for next year's town elections, that both the Democratic Commissioner of Elections in Yaphank as well as the Republic

Commissioner of Elections have to work cooperatively in an expeditious fashion so that those lines are in place no later than 120 days prior to next November's election.

So what I want to ask on the record, Mr. Chairman, is that are you ready, willing and able to work cooperatively and expeditiously with the Democratic Commissioner in order to insure that those lines are in place so that there are counsel district elections next November?

MR. Garfinkle:

Absolutely.

LEG. FOLEY:

Thank you, Mr. Chairman.

P.O. TONNA:

Wait. Where's the flag and the -- I want the Star Spangled Banner to go after that one. That was almost a swearing in. All right. Thank you very much, Bob.

All right, there's a motion and a second. I would ask all Legislators please come to the horseshoe. I'm sure Legislator Binder would like to vote for this. There we go. Okay. All right. There's a motion and a second. All in favor? Opposed?

LEG. HALEY:

Roll call.

P.O. TONNA:

Roll call.

LEG. BINDER:

Why was Legislator Foley so short?

LEG. CARPENTER:

Thank God for little favors.

P.O. TONNA:

Go ahead.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. VILORIA-FISHER:

(Not Present)

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

D.P.O. POSTAL:

Yes.

LEG. VILORIA-FISHER:

Yes.

MR. BARTON:

18.

P.O. TONNA:

Thank you very much. Okay. There we go. Now we're back to I think number seven; am I right?

LEG. CARACAPPA:

Yes.

P.O. TONNA:

Number seven, **2048. Budget supplement No. 1 to the 2003 Recommended Suffolk County Operating Budget.**

Paul, what is this, the resolution?

LEG. CARACCIOLO:

It's Omnibus 1.

MR. SABATINO:

This is the -- this is the last part of the County Executive's proposed budget. This is the portion that would reinstate 27 million dollars above the expenditure cap for day-care. But you really should postpone consideration of this bill because if one of the omnibuses passes, then this calculation of 27 million is wrong, because Budget Review has shown the expenditure cap to be at a different level which would only require, I think, ten million. So this should really be tabled to the end of the day. And there will be an alternative bill to pick it up. This one's too deficient really to be adopted.

LEG. CRECCA:

I'll second Legislator Caracappa's motion.

LEG. BISHOP:

Too deficient.

P.O. TONNA:

Well, we don't have to. We just --

LEG. CRECCA:

Pass over?

P.O. TONNA:

Yeah, just pass over it.

Okay. Now we have to consider the vote on Budget Amendments to the mandatory portion. **That's number eight. To consider and vote on Budget Amendments to the Mandated Portion of the proposed 2003 County Operating Budget, if any.** Mandatory, I think, first.

MR. SABATINO:

What you have to do is you have to turn to the separate folder where you have the packet of resolutions.

LEG. CRECCA:

Amending the 2003 operating budget.

P.O. TONNA:

Index.

MR. SABATINO:

Right. Well you start -- I mean the index will give you the overview.

The bills are all then --

P.O. TONNA:

So I make a motion to approve omnibus number one? Paul, right?

MR. SABATINO:

Hold it. You have to get -- wait. You have to get -- hold it. You have to get to --

P.O. TONNA:

Omnibus number one M; right?

MR. SABATINO:

Yes. One M as in Mary.

P.O. TONNA:

Seconded by Legislator Postal.

LEG. FOLEY:

Explanation.

P.O. TONNA:

Explanation? Explanation of what?

LEG. FOLEY:

Budget Review Office.

P.O. TONNA:

Okay. Fred, give an explanation.

LEG. HALEY:

We got until Tuesday.

LEG. TOWLE:

I'll order dinner.

MR. POLLERT:

Yes. This resolution is in due parts, both the mandated as well as the discretion portion of them. The two of them work in concert to achieve a variety of goals. The primary goal is to generate sufficient offsets to backfill the loss of 58.2 million dollars worth of sales tax revenues from reinstating the sales tax on clothing as recommended by the County Executive.

It also creates additional offsets through making adjustments to estimates for 2002 expenditures. It then goes onto restore a variety of other items included in the recommended operating budget. The most notable of those being the restoration of the health centers, the recreation of additional titles within the Health Department, as well as the restoration of the variety of different contract agencies. The mandated portion of the budget specifically deals with the mandated side. It is a companion resolution that also has a discretionary portion of the budget as well.

LEG. CARACCILO:

Mr. Chairman?

LEG. BINDER:

I want to speak too, Paul.

LEG. CARACCIOLO:

Mr. Chairman?

P.O. TONNA:

Yes, Legislator Caracciolo.

LEG. CARACCIOLO:

Couple of questions for budget office -- Budget Review. Fred?

MR. POLLERT:

Yes.

LEG. CARACCIOLO:

Nothing contained here in omnibus one would adversely affect towns and villages with respect to town revenue sharing for public safety?

MR. POLLERT:

That is correct.

LEG. CARACCIOLO:

And question two.

MR. POLLERT:

Yes?

LEG. CARACCIOLO:

What is the total amount of contract agency restoration for Cornell?

MR. POLLERT:

We will look that up. The Cornell Cooperative Extension was restored in a variety of different portions of the bill which is on the discretionary side of the bill. On the mandated side they are not being restored because they don't have any mandated programs.

LEG. CARACCIOLO:

Correct. Okay. Do you have a dollar figure? I believe it's 551 thousand dollars for the Marine Sciences Program. And I think the entire diabetes 290 was restored.

MR. POLLERT:

That is correct.

LEG. CARACCIOLO:

Okay. Thank you.

LEG. TOWLE:

Mr. Chairman?

LEG. CARACCIOLO:

Mr. Chairman, let me take this opportunity to thank my colleagues, particularly Legislator Postal and Lindsay who once again demonstrated their interest as well as all of you and continued to fund these important programs provided by Cornell Cooperative Extension. Thank you.

LEG. TOWLE:

Mr. Chairman?

P.O. TONNA:

Yes, Legislator Towle. No. Legislator Alden; then Legislator Towle.

LEG. ALDEN:

Fred, on the mandated portion of the budget, what's the increase in spending over last year?

MR. POLLERT:

Are you talking about the County Executive's version of it or --

LEG. ALDEN:

No. The one which is in front of us right now.

MR. POLLERT:

The -- hold on just one minute.

The net property tax increase is approximately 664 thousand dollars on the mandated side.

LEG. ALDEN:

That's what the total increase on --

MR. POLLERT:

Just on the mandated side. If you add both the mandated as well as the discretionary side of the resolution, the two really have to be considered as one large resolution. There is no increase in the general fund tax levy from that that was adopted in 2002.

LEG. ALDEN:

But it will require an increase in the tax line what? On the police districts?

MR. POLLERT:

Just the mandated side.

LEG. ALDEN:

Okay. All right. Thanks, Freddy.

P.O. TONNA:

Okay. Legislator Alden's done. Legislator Towle.

LEG. TOWLE:

Thank you, Mr. Chairman.

Fred, can you go over -- obviously the -- obviously the operating budget, the police district and the District Court, when combined under omnibus one, what are we facing as far as a tax increase or decrease is concerned when it's blended?

LEG. CRECCA:

Paul, put me down, please.

LEG. TOWLE:

You need somebody else on that Fred because I have a couple of other questions I can go to.

MR. POLLERT:

Just with respect to -- the recommended budget would be proposing a 6.7 percent increase on a blended basis which includes the General Fund, the college, the police district and the District Court. Omnibus number one would decrease the recommended tax increase for the general fund by 894 thousand dollars, so there would be no increase in the General Fund? The County Executive had proposed an increase of 1.7 percent.

LEG. TOWLE:

Okay. I understand in the General Fund. But what happens if we were to approve Omnibus 1 when the accounts are blended, what would be the increase at that point or is there no increase at all? I thought with the police district and the District Court there would still be an increase.

MR. POLLERT:

Yes, there would be; approximately 6.4 percent.

LEG. TOWLE:

Six point four percent across the board, I guess, for everybody? Each end?

MR. POLLERT:

That excludes the five eastern towns which would have no increase.

LEG. TOWLE:

So the western towns would experience a 6.4 percent increase in total.

Second question just cap or recap the differences between the Omnibus 1 and two as far as expenditures are concerned, not as far as offsets. I think those are pretty clear. For the record.

MR. POLLERT:

Okay. Just with respect to Omnibus One and Omnibus number Two, consolidating both the mandated and the discretionary portions so that you're dealing with one budget as a whole, the major differences are with respect to an increase in Omnibus number Two of 1.3 million dollars specifically 1,396,773 for the restoration of health programs to 2002 adopted levels. That's an increase larger than included in Omnibus number One.

There's also an increase in the youth programs of 579 thousand dollars, which is larger than

omnibus number One. There is a decrease in funding for VEEB training of \$250,000. That's an item included in Omnibus number One, but not number Two. And, likewise, omnibus number Two does not include \$100,000 for the District Attorney with respect to wire taps that is included in the omnibus resolution number One, but not resolution number Two. And the largest change is with respect to the amount of funding provided for pay-as-you-go funding, transfers to the pay-as-you-go program, which is 7.3 million dollars in omnibus number Two but only 638 thousand dollars in omnibus number One.

LEG. TOWLE:

Just one final question. Moving to the revenue side, obviously the two changes between omnibus One and Omnibus 2 are what, Fred?

MR. POLLERT:

With respect to the revenue side, the largest difference between the two is that omnibus number Two would charge back to the towns based upon full equalized valuation. The appropriate portions of Board of Elections that can be charged back, that generates roughly \$8 million more than omnibus number One. In addition to that, turnover savings are increased by approximately 2.1 million dollars more than omnibus number One. And vehicle purchases are likewise decreased by \$500,000 more than included in omnibus number One.

LEG. TOWLE:

Okay. Thank you.

LEG. CARACCIOLO:

Mr. Chairman?

P.O. TONNA:

Wait. Legislator Lindsay.

LEG. VILORIA-FISHER:

Mr. Chairman. Yep, I have a list.

LEG. CARACCIOLO:

Bill, would you just suffer a brief interruption?

LEG. LINDSAY:

Go ahead.

LEG. CARACCIOLO:

Thank you. Thank you for yielding. Fred. Fred Pollert?

MR. POLLERT:

Yes, sir?

LEG. CARACCIOLO:

I believe in the description of differences between One and Two that you just enumerated, you mentioned omnibus One did not include funding; additional funding for the District Attorney wiretapping; is that correct?

MR. POLLERT:

Omnibus number one includes \$100,000. Omnibus number two does not.

LEG. CARACCIOLO:

Oh, I had it the other way. Thank you.

P.O. TONNA:

Thank you. Legislators Lindsay.

LEG. LINDSAY:

I'm going to yield to Legislators Fisher.

P.O. TONNA:

Well, are you going to say anything?

LEG. VILORIA-FISHER:

I just have a question about what Legislators Towle said. That's why he's yielding to me. Just very briefly regarding Omnibus 2 and the charge backs, the Board of Elections charge backs that \$8 million that's in Omnibus 2?

MR. POLLERT:

Yes.

LEG. VILORIA-FISHER:

I know that we're not talking about town taxes right now, but we often bemoan the fact that we are passed down a variety of expenses that the State isn't covering. Now how does our charge backs being passed down to the Town impact taxpayers on that level? When will taxpayers feel that hit from that charge back?

MR. POLLERT:

They would be included in this year's tax bills that are going out at the end of December. The charge back, the Towns would be charged back for the appropriate portion of Board of Elections costs on a full equalized type of basis. The Towns would then -- don't necessarily need to include it in their budget. They do need to include it on their warrant house, however. So it would be warranted with town taxes.

LEG. VILORIA-FISHER:

And how does that translate to households, let's say, a Town such as Brookhaven?

MR. POLLERT:

Just one moment. The approximate cost would be \$14.51 on the average tax bill in the Town of Brookhaven. The impact would be \$10.36.

LEG. VILORIA-FISHER:

Okay. Thank you, Fred.

P.O. TONNA:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Hey.

P.O. TONNA:

Finally. There we go.

LEG. LINDSAY:

I just want to talk about the three different proposals before us. We've already rejected the County Executive's version of the '03 budget. And we have two before us now. And I want to look at them altogether. And really, if you look at it on the expense side, they're not really that different. One area -- two of the versions cut different ways than the County Executive does, restores different programs. The greatest difference is on the revenue side. And on the revenue side, the County Executive's making the argument that we're in financial trouble this year, but really next year is the most troubling year. And through a lot of hard work of myself, my colleagues, Budget Review Office, we found ways of plugging that hole this year. And we haven't found the ways of plugging the problems next year, at least not yes. But I for one am not willing to raise taxes this year to plug a hole next year. And I think that really boils down to the essence between the two views of what we see going into '03.

And it's a matter of taxing. Are we going to allow the taxpayers to keep money in their pocket at least for another year, and deal with this next year. And, hopefully, in a better circumstances in an economy hopefully that will turn itself around. And I think that's the most simplistic way that I can put it is if we're going to have to pay two dollars, we're going to pay a dollar this year and a dollar next year or are we going to say let's face next year, let's keep the dollar in our pocket this year.

P.O. TONNA:

Legislator Crecca? Do you have something? No, right?

LEG. COOPER:

No.

LEG. CRECCA:

Actually, I'll just say ditto to Legislator Lindsay's remark. He beat me to the punch. That was one of the points I was going to make. And I think he stated it well, Legislator Lindsay. I do have a question on omnibus One versus Omnibus 2. I think you said that omnibus One results in a 6.4% increase in the police district; is that correct, Fred?

MR. POLLERT:

The difference between the two omnibuses, both omnibuses have the same projected tax impact

on both the General Fund and on the police district. The tax warrant for the police district would be maintained at levels as proposed by the County Executive.

LEG. CRECCA:

So, in other words, there's no -- it's also 6.4% in Omnibus 2 then, correct? The increase in the police district from this year; from 2,002's budget 6.4% of the police district. Is that correct?

MR. POLLERT:

It's 6.4% if Robert keeps playing with the screen. I can't see the number.

LEG. CRECCA:

Be good, Robert.

MR. POLLERT:

6.4% on the blended basis, but the increase in the police district is 5.9. What's driving --

LEG. CRECCA:

Yeah, what's --

MR. POLLERT:

-- the blended west end rate is District Court which has had a very large increase. Their tax warrant for last year was 4.7 million dollars. It's been increased by 5.2 million dollars. So there's 110% increase in the District Court. And the District Court covers the five western towns, the same geographic areas as the police district.

LEG. CRECCA:

Okay. And the proposed budget from the County Executive, there was, I believe, you said 1.7 or it's 1.68% increase in the County General Fund proposed; correct?

MR. POLLERT:

That's correct.

LEG. CRECCA:

Where it's zero now?

MR. POLLERT:

That's correct.

LEG. CRECCA:

Would the police -- with the police district, what was -- taking District Court out, what was the proposed --

MR. POLLERT:

5.9% just on the police district.

LEG. CRECCA:

And that's where we're at also?

MR. POLLERT:

That's correct.

LEG. CRECCA:

So we've maintained -- we haven't touched that dollar amount per se and. We've reduced it in the General Fund; correct?

MR. POLLERT:

Right. Because of not having an increase in the General Fund, if budget amendment number two is adopted both in mandated and discretion, there would be a decrease in the five western towns because they've had a growth in full equalized valuation.

LEG. CRECCA:

That answers my question and thanks, Fred.

P.O. TONNA:

Legislator Postal. Just wait. Legislator Fisher, and then I'll put you back on the list.

LEG. VILORIA-FISHER:

I think --

P.O. TONNA:

I have Ginny Fisher. This is a karma thing. This is a karma thing. Ginny, I apologize.

LEG. FIELDS:

Fred, could you just explain to me the charge back on the Board of Elections to the Towns, the difference -- what are the differences between One and Two? If you have a certain amount of the population who has to pay for that charge and it's distributed amongst all of Suffolk County, there should be some kind of charge that can be put per taxpayer. Then if it were to go to the Towns and distributed within the Towns, there would be a certain amount that would be distributed per town taxpayer.

What would be the greater of the two charges, the one that the County taxpayer pays or the one that the Town taxpayer pays?

MR. POLLERT:

They should in theory be identical because it's being charged back on a fully equalized type of basis. But the difference is, is as part of the General Fund charge, it's also being supported by a variety of other revenue sources such as sales taxes and OTB locally generated revenues by charging it back to the Towns, which is something that can be done under New York State law. It would then be part of the mix of the Towns. It would flow through to their property taxes.

So in theory, if you had said that the Board of Elections were funded 100% from property taxes at the County level versus being funded 100% at the Town level, there would be no difference. But because it's funding in part through sales tax and a broader revenue mix at the County level, it's not 100% funded through property taxes.

LEG. FOLEY:

Paul?

P.O. TONNA:

Wait. No, no, just hold it a second. I want Legislator Fields to finish everything she has. Anything else?

LEG. FIELDS:

No.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Ah, excuse me.

P.O. TONNA:

Oh, Legislator Caracciolo. Sorry. I threw out the list.

LEG. CARACCIOLO:

Fred, could you just quickly as a follow-up to Legislator Crecca's question where you went through the percentage increases so that it can be accurately reflected in today's minutes what are the increases in terms of the dollar amount increases, town by town?

MR. POLLERT:

The -- if budget amendment number one is adopted both the mandated and the discretionary portion with no additional changes, there would be approximately a 26.6 million dollar increase in the tax warrant. That is primarily associated with the police district, which would have a 20.8 million dollar increase followed by the district court at 5,222,000 followed by the college at five seventy-two seven eighty-four. How it would fallout town by town in the Town of Babylon, there would be an increase of 3.079 million dollars.

LEG. CARACCIOLO:

No, no. I'm talking about the average property tax increase per homeowner.

MR. POLLERT:

The average property tax increase per homeowner would be approximately \$42 all funds.

LEG. CARACCIOLO:

That's county-wide now. Town by town for Babylon how much?

MR. POLLERT:

Town by town for Babylon would be \$44, Brookhaven 44, Huntington 67, Islip 50, Smithtown 63, East Hampton would go down by \$40 because -- the Town of Riverhead, \$9, Shelter Island \$14 increase, Southampton a decrease of 11, and Southold would have an increase of 6.

LEG. CARACCIOLO:

Thank you.

P.O. TONNA:

Okay. Legislator Foley.

LEG. FOLEY:

Right. Thank you, Mr. Chairman. Back to Omnibus 2, Fred, and the permission under State law to allow the Board of Election fees to be shouldered by the Town municipalities, you mentioned that that cost would be covered 100% by the Town tax levy?

MR. POLLERT:

Well, I would assume it would be covered by the Town tax levy because --

LEG. FOLEY:

The property tax levy?

MR. POLLERT:

Right. Because they don't need to include it in their town budget. If they did include it in the Town budget as a charge, they would have a benefit of a broader revenue source.

LEG. FOLEY:

That was the point I wanted to raise, because I think some of the figures you gave earlier, the codicil that I would make, the addition that I would make, is the fact that particularly there's some townships where the mortgage tax is a sizable revenue source for those townships. And particularly in the Town of Brookhaven, landfill fees which can amount to upwards of 65 to 70% of the revenue sources for their operating budget, that in fact when you include additional sizable revenue sources to the Town budget, that, in fact, using the figure that you used earlier principally on the property tax line, I think doesn't take fully into account some rather sizable revenue sources that the towns have from other areas.

MR. POLLERT:

That is correct. It's my understanding that it would be charged back to the towns based upon full equalized valuations. If the towns, however, wished to include it in their budget, it would be a portion of their budget which is funded from a variety of different sources. If they elected to include it just on the warrant, that would then be dollar for dollar on the warrant.

LEG. FOLEY:

This is an important point. It would be dollar to dollar on the warrant, but on the levy it would be a blended source of revenues; correct?

MR. POLLERT:

If they didn't include it in their budget, it would never show up on the levy. It would just show up on the warrant, not on the levy.

LEG. FOLEY:

Okay. But the fact remains that it may not necessarily be more expensive to take this route of putting it onto the Town simply because they have their own additional revenues besides property taxes.

MR. POLLERT:

That's correct.

LEG. FOLEY:

Thank you.

P.O. TONNA:

Yes, Legislator Lindsay? Okay. Legislator Bishop?

LEG. BISHOP:

No.

P.O. TONNA:

No? All right. All Legislators please come to the horseshoe. I would ask all Legislators please come to the horseshoe. We're voting on the budget.

LEG. BISHOP:

This is just the mandated portion, right? So we're having another vote after this?

P.O. TONNA:

Yes. Is Legislator Alden around?

Ms. Burkhardt:

He was just in the hallway.

P.O. TONNA:

Okay. Roll call. **This is 1M Mandated omnibus resolution amending the 2003**

Recommended Operating Budget. All right. Then we're going to do 1D. M meaning mandatory, D meaning discretionary.

LEG. CRECCA:

"M" for mommy, "D" for dad.

P.O. TONNA:

Yeah, right.

(Roll Called by Mr. Barton, Clerk)

P.O. TONNA:

Yes, yes. Yes, for mommy.

D.P.O. POSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Pass.

LEG. TOWLE:

Pass.

LEG. CARACAPPA:

Yes.

LEG. VILORIA-FISHER:

Pass.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. COOPER:

Pass.

LEG. GULDI:

Abstain. No. Give me a no.

LEG. TOWLE:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. ALDEN:

No.

LEG. COOPER:

Yes.

MR. BARTON:

Thirteen.

P.O. TONNA:

Thank you. Okay. Now we're going to -- I make a motion to approve **1D Discretionary omnibus resolution amending the 2003 Recommended Operating Budget**, seconded by Legislator Postal. On the motion, Legislator Postal.

LEG. BISHOP:

Put me on the list, please, Mr. Chairman.

D.P.O. POSTAL:

Yeah. When the recommended budget was presented to the Legislature, I truly don't believe that there was anyone who was happy with the budget with which we were presented. There were a great many different reasons why Legislators found fault with the budget. And, certainly, we all have different points of view.

But I would think that there was certainly a unanimity with regard to the horror with which we regarded the slashes to contract agencies which served the public; some of which were completely defunded, as Legislator Caracciolo pointed out just a little while ago with regard to Cornell Cooperative Extension. So when we worked on creating a budget that would restore the obligation of County government, would restore vital services to this county -- and by the way, I think we all believe that county government does have an obligation to provide those vital services to the people of Suffolk County, because if we're not going to provide those services, I think we should just abolish County Government and maybe we should just maintain a police department and a jail.

LEG. HALEY:

Motion.

D.P.O. POSTAL:

I know Marty likes that. In view of the fact that I believe we do have -- we do have an obligation, we do have a responsibility to provide services which help people to lead productive lives, help them to live with dignity in this County, help them to attain the health care for themselves and their children; that will not only allow them to live a good life, but will, in fact, prevent them from becoming very, very ill, and even costing us more money.

This omnibus has restored not all of the services. I know we sat and worked for many, many hours. Presiding Officer Tonna enumerated the hours that we spent. And I can't say that all of us, but I think a great majority of us would have hoped to restore more of the contract agencies, would have hoped to restore more of the contract agencies, would have hoped to restore more services, recognized that with the serious problems we face with youth gangs in this County, it's foolish to defund youth organizations which provide positive activities for young people.

But we had to make a choice. We didn't have the ability to restore all of the services that we would have liked to. But omnibus One does give us the ability to restore our health centers. And certainly in these times when people are losing their jobs and with their jobs they're losing their health insurance, it's vital that we provide the opportunity for quality health care and to cut our health centers and make them unable to serve a public which is entitled to health care, and due to no fault of its own, can't afford health care would be irresponsible and disregarding our responsibilities.

So we restored our health centers. We restored programs like those which provide services to battered women and to abused children. I would hate to think that we would not provide facilities where a battered woman could get away from her abuser and would have to stay in a situation where her life is in danger. I would hate to think that we didn't have money to provide the counseling services for children who have been sexually abused.

This omnibus restores those services, maintains our obligation to women, to children and to families in this County. This omnibus restores services to suicide prevention programs, to programs for the aging. Would we be comfortable saving a couple of bucks, as we saw in the recommended budget, and knowing that we didn't have the services to prevent somebody from committing suicide? Even one person? Is it worth one person's life to decimate a program that

could prevent that?

So this omnibus, omnibus One, enables us to at least provide the skeleton and a little bit of the musculature that we owe to the people of this County for which they pay very good taxes so that we can help those people who are in the greatest need and enable [them to be productive and contributing citizens to our County. Thank you.

P.O. TONNA:

Thank you very much, Legislator Postal. Legislator Bishop.

LEG. BISHOP:

Thank you, Mr. Presiding Officer. Earlier this afternoon, we saw a complete unified bipartisan rejection of the County Executive's proposed budget and the County Executive's proposed sales tax increase. Why would the Legislature act with such certitude on two issues that were so important to the future of this County? Because there is a rejection today of throwing good money in large amounts after bad management.

Recently, Syracuse University did a study of the 40 largest counties in America and Suffolk County was graded an "F" of managing for results; a failure. Yet the County Executive has asked for tax increases of 49 million, 17 million, 46 million, an increase in the quarter cent sales tax; and this year the restoration of sales tax on clothing and yet another property tax hike. Total that together that's a quarter of a billion dollars in tax increases he's requested in the last three years alone.

But this County is poorly run. Let's go with the latest revelation first, the employee medical health plan fiasco. A plan that was supposed to be saving us \$30 million actually cost us \$50 million. With the poor information, the Committee expanded benefits and did so without accountability because the County Executive purposely cut out the Legislature, which by statute was required to be a part of the Committee. They did that without Legislative authorization; cut us out. And as a result, they ran amuck. They ignored the fact that they had a 30 million dollar cash flow a few years ago and saw it dwindle down into the red.

Now who gets handed that bill? The taxpayers. The taxpayers get handed that bill. And as I sit here today, I will tell you that another ten million dollar bill is going to come forward probably by the end of the year. Early retirement. Too bad Legislator Caracciolo has left the room because he has a dynamite chart that points out how the County Executive has flubbed the Early Retirement Program, the linchpin of his fiscal plan.

LEG. CARACCILOLO:

What was that?

LEG. BISHOP:

Oh, you have your chart? He came in March and told us, this Legislature, that there was a problem on the horizon. But in the first half of the year, he added more than 200 jobs to the County payroll; non-uniform jobs. Then with a non-targeted Early Retirement Program, he ushered out 637 people costing us 5 million dollars in overtime expenses. And then recently signed hundreds of more SCIN forms, authorization for new hiring. So when you look at the program over a two-year period, it's going to yield zero in savings. That's not good management. Do we want to tax the public more to pay for that? In fact, dysfunctionality and aimlessness is the hallmark of what's going on in Suffolk County under Robert Gaffney.

The living wage approved by this Legislature overwhelmingly, the law of the County, we set aside 3 and a half million dollars this year to pay for it. Zero was spent on the program in terms of giving it to not-for-profits to help to pay for working families. But hundreds of thousands of dollars was paid for administration of the program, setting up the bureaucracy dissimilar to the other jurisdictions which enacted the living wage.

Jail overtime: Year after year we have enormous jail overtime bills. This year we set a record. Year after year in the past, this Legislature passes budgets with authorizations for more Correction Officers; and the Executive ignores it. He ignored it under the prior Sheriff, a political enemy; now he ignores it under the current Sheriff, a political friend. And this Sheriffs' overtime has hit new records. Now there's a disagreement in the jail. Are they mandated posts or non mandated posts? Well, the Executive believed that they were truly non mandated. Then why reward the Sheriff with a proposal in the Capital Budget for 30 million dollars to amend the Capital Budget to build a new jail. He rewards the Sheriff on hand; criticizes them on the other. The bottom line is that overtime spirals out of control. And there's no plan to control it from the Executive. And it's a chronic problem year after year.

Homelessness: When we were riding high in fiscal surpluses, the real estate market was going up and up, rents were going up and up. And we started to see an uptick in homelessness as the Presiding Officer pointed out. Now we have money for an affordable housing program. Nothing was ever talked about, about a permanent solution to the homeless. Now we have a crisis that cost us 20 million dollars a year. So we squandered our prosperity on that issue.

Civilization of the Police Department, I saw a note in the Budget Review Report that we are not to remove certain provisions because it's part of the civilization plan. So I asked the Committee how far along are we. We are one-third of the way on civilization of the Police Department on a plan that's more than ten years old. Is that a pace that we want to endorse? Failure to implement measures past by this Legislature which yield revenue. How about the airport? How much revenue did we collect at the airport? Less than a thousand dollars, I believe?

LEG. FIELDS:

Two hundred.

LEG. BISHOP:

\$200? Is that the actual --

LEG. VILORIA-FISHER:

\$250.

LEG. TOWLE:

217.

LEG. BISHOP:

If we ran the airport properly as New York State does at Republic, there's an authorization to collect hundred of thousands if not millions in fees. Same thing with the DMV fee, which there was failed to be filed and we lost out on hundreds of thousands in revenue because of that. This budget that was proposed by the County Executive is not even fiscally prudent. Although it contains a tax increase that Wall Street will like, it doesn't fund the 5-25-5 program, Mr. Presiding Officer.

P.O. TONNA:

I heard that.

LEG. BISHOP:

It doesn't fund the 5-25-5 program, which is cited by the bond rating agencies as one of the reasons that we achieved our bond rating.

This budget that we have rewritten, that we rejected his and we re-wrote a new one, provides a challenge to the County Executive. He will have to manage within the constraints that we've given him. And we've taken out the cushions. He has a year with which to make a case to

Albany as the leader of the largest suburban county in the state not to continue unfunded mandates. He has a year to restructure the government. If there truly is a crisis, he has another year now with which to change. But if past performance is any indication, Mr. Presiding Officer, very little will change in Suffolk County.

Finally, I'm proud of what we did. We didn't take the meat cleaver approach, which leaves to cuts, which leaves homeless children, frail elderly behind. We went to work. We wrote a good budget. We wrote a balanced budget. We're going to pass it and we're going to hand it to the County Executive and hope that he can finally manage this government correctly.

LEG. HALEY:

Put me on the list.

P.O. TONNA:

Thank you. I really did feel like Ed McMahon, you know, in the back and forth. That was very good, Dave. Really. Okay.

LEG. BISHOP:

Well, you're the arbiter of fairness, so that means a lot to me.

P.O. TONNA:

Yeah, I know. Now the pain. I'm next. I almost got teary eyed. Anyway, I'm next on the list; then Legislator Fields, then Fisher, Crecca, Carpenter, Guldi, Haley. Okay.

I have a different look at this budget, Legislator Minority Leader Bishop.

LEG. BISHOP:

What?

P.O. TONNA:

I see this as a tale of two cities. I guess you painted one city. Let me paint another. First of all, I think that in your -- in your remarks you forgot to start us out with what really started the problem. The problem starts in Albany. Over \$80 million this year alone in additional costs past onto the County. That is \$80 million when our tax levy is about, what, 56 millions, Fred?

MR. POLLERT:

Yes.

P.O. TONNA:

When you think about that, the tax levy in the General Fund is 56 million. And they just heaped onto us an additional 80 million dollars worth of expenses.

The very first problem with our tough budget times starts in Albany. And to tell you quite honestly, it doesn't look like there's going to be any help there. New York State, the elected officials in New York State, the Governor of this State were co-conspirators in the budget problems that we have here. That's the truth.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

P.O. TONNA:

The second thing is let's talk a little about County services. I was an advocate at first, and I say it on the record that when looking at all different budgets, I was an advocate of one revenue stream. I thought that maybe the sales tax on clothing would be the right way to go. Maybe it would be the least onerous for this County. The fact is, is that in the Legislative process, unlike the Executive process, you have to build consensus. My big concern in going through this process was that there would be no consensus and that we would actually give Bob Gaffney his budget back without a \$58.2 million revenue which would have spelt absolute fiscal disaster and it would have been -- those people who were hurt most would have been the people who need it most. And so I along with other colleagues work very, very hard to build consensus.

Do I say this is the perfect budget? Absolutely not. But I will say, first of all, there was no lack of work. I have never seen a group of Legislators -- and I want to commend Legislator Towle. Although we've had different varying ideas about how to do things with budgets, but at least he spent some time on a budget. I want to commend both my colleagues on the Republican side and on the Democratic side, that even though we have differences, that we work together to say we want to do the best thing that we can for government.

Health centers and Social Services. We know that health centers are actually a revenue producer in the long run in comparison to vulnerable people having to go to hospital emergency rooms.

Everybody knows that there's a cost benefit, that when we have health centers, good preventive care, good prenatal care, when we have opportunities where people can go to a less expensive health center, Suffolk County health center or some of the contracted health centers, in the long run it's going to save us that quarter that we have to pay on the Medicaid.

Social Services. This is the time, and I think that we've taken a lot of consideration, this is the time when we really had to look and say you know what, there are some contract agencies there. People say contract agencies, why are we funding contract agencies? Contract agencies actually are one of the most cost effective ways to provide County services. They don't cost us as much as if we ran those operations in-house, they can specialize in certain areas that they have competency. And so to cut certain contract agencies I felt, you know, with a meat cleaver was not the right approach. And I thank my Legislators and I think all 18 Legislators participated in the process to review every single contract agency that we deal with in the 2003 budget and looked at it and analyzed it and said what do we need to do here. So I want to commend my Legislative colleagues for really good, hard work.

And last, I just would like to address one other issue which is tax relief. There is no doubt in my mind that there are projections that the 2004 budget, barring any incredible recovery in the economy, is going to be an extremely difficult budget process and we're going to have to make some extremely difficult decisions as Legislators. But I am assured in the hard work that we provided that the 2003 process, if managed -- I mean budget, if managed properly is a solid budget and one that will balance out in the end. Thank you. Legislator Fields.

LEG. FIELDS:

Thank you.

LEG. CARACCILO:

Paul, do you have me on the list?

P.O. TONNA:

Yes.

LEG. FIELDS:

I think that as Legislators we have to look -- I think our job is to look at this budget as if it were a budget that we would be looking at if we owned Suffolk County, if it were our own business. And

I see that the budget that was handed to us had no fiscal accountability, no creativity, no innovation and no consolidation of departments. The County Executive's Budget Director retired on early retirement. He prepared the budget then he went out on retirement; however he's been hired back as a consultant. How many more consultants are going to be hired back after we were told that we would have a savings by letting employees go out on early retirement? Early retirement was done without doing a survey of how many people in the departments would be retiring, how many supervisors, how many managers and how many departments would be affected with brain drain, that was not done; if you were in your own business you would be doing that.

The Suffolk County Legislature passed a living wage program, the County Executive defunded the program, however a patronage job was created and it -- the job was filled with an administrator of the program who was given \$80,000. In working with Budget Review, we find out that she not only makes \$80,000 but she's had raises now to over \$90,000. She was supposed to promulgate regulations, she's failed to do that, a bureaucracy has been created, the program was defunded, the position was left in, that position should have been abolished, it should be abolished.

A new Social Services Commissioner was hired, the Suffolk County Legislature was told that that position would not require a raise, yet less than two weeks later a proposal from the County Executive's office to give her a raise came through; thank goodness it was not given. Last year I couldn't support the budget, we shouldn't be asking Suffolk County taxpayers to pay more money when we don't lead by example. Last year taxes were raised and the County Law Department employees got raises above and beyond the cost of living raises; that's not good management.

We were all told that the early retirement would save us money, yet no survey was conducted and none of those problems were given to us that we would be facing. There was no cost benefit analysis that was conducted, there was no analysis of departments regarding whether or not those departments meet goals and objectives. We have an obligation and a responsibility to look at this budget and run it as though you would if you ran your own business and that has not been done and it's not being done.

The job's not finished with the passing of this Omnibus, and at times we've been accused of micromanaging. We're going to have to as Legislators continue to oversee and at times we will have to micromanage because that's what we're demanded that that be done, you know, that be done with our jobs, to micromanage because it's not being managed properly. So I think that

with the passage of this Omnibus today, we have still much more work to be done but we have to watch and make sure that this County is being run with a fiscal accountability.

D.P.O. POSTAL:

Legislator Fisher?

LEG. VILORIA-FISHER:

Thank you, Madam Chair. My remarks will be brief because so many of the points that I wanted to underscore regarding this Omnibus have been already delineated, but I would just like to congratulate those of you from the contract agencies who are here. I would like to congratulate you for keeping up your spirits because it seems to me that you have been thrown into purgatory for the past few months.

Yesterday as I spoke with the County Executive, he critiqued the Omnibus as being short-sighted and not looking at the future. I reminded him that in his budget he had made a broad sweep across the budget cutting 10% indiscriminately from all contract agencies; that to me is short-sighted. In investing in contract agencies, we are investing in our social service programs and we reap great dividends from those programs. We invest in our arts and we reap great dividends from our cultural atmosphere and our educational programs here on Long Island. You provide the essence of what we are here as a community on Long Island. We take care of our poorest and our weakest and our most vulnerable and we provide for all of our citizens a rich cultural heritage and events for everyone to enjoy and benefit from a powerfully strong community and a tremendous quality of life. And so I thank you for hanging in there, for working with us, for providing a tremendously great service at a very small cost to us.

And no one has mentioned Probation and how frightened we were -- not at Probation, at the Red Cross Community Service Program. To cut a program such as that and not understand the impact that it would have on our youngsters and on our community at large I think is very short-sighted. So I'm proud of all of you for being here and for my colleagues for putting together such a good Omnibus.

D.P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

Much as been said already, I just want to add my thoughts to Omnibus I. First of all, that while it certainly is not a perfect budget, it was a budget of compromise. And I have to say in the years that I've been here, I have never seen more Legislators work on the budget individually with Budget Review and collectively in trying to put the budget together than I saw this year and I think that's a testament to the Legislature here. We've heard criticism that the budget is a flawed budget, it's a bad budget, but it is a balanced budget and I think we would lose sight if we don't recognize that what this budget represents also is a budget for the taxpayer and something in the short time that I've been here at the Legislature has been something we have -- I don't want to say put at as unimportant but we've dealt with some real difficult budgets since I've been here and mostly because of State mandates, Legislator Tonna was right. And this year there's no question that the impact that we felt this year was 100% from State mandates that were being imposed on us out of our control just like other counties are facing throughout the State.

What we did in Suffolk County here and what other counties are struggling to do is we came up with a budget that has minimal impact on the taxpayer, zero percent in the General Fund, what is a very moderate increase on our mandate on our side regarding the Police District. This is a budget that, as Legislator Lindsay said earlier, says hey, you know what, this is a tough year but we're not going to make you reach in your pocket and pull out those \$2 this year. And next year is going to be that much more of a challenge and we don't know what the economy will bring for us for the next year, but I'm very comfortable adopting this budget. While it may have small flaws and imperfections and it may be the result of compromise, it is a budget that I can proudly go back to my constituents and say, you know, is -- will restore some very necessary County services, some key contract agencies, it will cut government spending in many areas which we shouldn't lose sight of that that's what this budget does and puts in some revenue sources that should be in there. So I would encourage my colleagues to support it.

I also want to make one other note. There was a reference earlier by Legislator Bishop regarding the health EMHP crisis, or fiasco I think was the term he used, I just want to indicate a couple of things. As you know, we are moving forward on hearings on that topic through the Finance Committee, all Legislators are invited to attend those. But understand, first of all we are on a fact-finding mission. There's nothing that came out during the first set of hearings or any information out there. And I'm not here to defend the County Executive but to indicate that the Executive Branch did anything or had any reason to know about these numbers, ill fated numbers that were being produced. Understand the period in question was during a period of time when Audit and Control was providing numbers to The Segal Company and The Segal Company --

LEG. HALEY:

Allegedly.

LEG. CRECCA:

Allegedly, and allegedly the Segal Company has presented bad numbers to EMHP Board Members. And I just want to state clearly, as of yet there's no information indicating that anybody on that board, the EMHP Board acted in anything but good faith. But let's let the hearing process go forward before we start casting accusations out and let the cards fall where they may wherever the fault lies for that.

And with that said, like I said, I would urge all my colleagues to join and let's unanimously pass this Omnibus I.

D.P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. There are a few points I wanted to touch on. Don't everyone fall off your chairs, but I'm going to say thank you to the County Executive for signing the SCINS for the Correction Officers. It was mentioned about the overtime in the Sheriff's Department and the 35 positions that we had authorized in last year's budget were finally approved and I for one, as Chairman of Public Safety, say thank you; I wish it had been a little sooner, but at least the positions have finally been authorized.

As part of our Omnibus, as part of our plan, we have restored the CO positions that were abolished addressing the issue of the overtime, choosing to find a solution. We have also added 16 additional CO's. Both of these actions were to keep us in conformance with what the State is mandating for the kind of personnel allocation that should be taking place at the jail. We've also authorized 10 Deputy Sheriffs.

We had many speakers who were here this morning who made the point very well about cultural arts funding and how important it was, that it was really a necessity. As we sit here in Suffolk

County, part of Long Island, tourism is one of our number one industries and cultural arts funding is a very, very important component in that industry, because without those tourism kind of generating activities, the plays, the dances, the operas, the concerts, the kinds of things that go on the art shows that go on all year long in our County, tourism is not going to be as successful as it has been. So this is an investment and an investment that's important.

It has been underscored many times today that the economy is definitely fragile and we have chosen, those of us who are participating in this process and hopefully all supporting Omnibus I, we have chosen to invest in our taxpayers, to invest in our residents and to say to them sales tax on clothing, that exemption is something we commit to you for at least this year, we want to give you that benefit this year. And we are planning, we are planning for the future. The budget process doesn't just happen eleven months from now, we have to start planning now and we did start planning. This Legislative body passed a resolution that we sent to the State to ask them to give us the relief, to give us the flexibility to perhaps adjust that threshold level on the sales tax on clothing so that if the economy does not rebound, if we are faced with this kind of situation next year, perhaps not eliminating the exemption but perhaps changing the threshold of that exemption.

So again, this is all part of what we're doing as Legislators in trying to address the budget process. And I just want to thank -- I know it's been said many times but it can't be said enough, the Budget Review Office in the way they handle themselves, they are inordinately dedicated, totally professional and really a credit to this County and I'm really proud that they're part of the Legislative Branch of government.

D.P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

I have to actually just -- I just want to respond to a couple of things. Legislator Postal, your passive remarks about the importance of the programs are extremely well-founded. However, however, the -- I don't think that the failure to support the Omnibus can be interpreted fairly to indicate a failure to support any of those necessary and vital programs.

The reason I felt compelled to sign up to speak with respect to the Omnibus is because of

Legislator Bishop's remarks regarding Gabreski Airport and the difficulty, the failure to collect the landing fees at that facility and his comparison of it to Republic Airport. The revenue projections in Omnibus II for security fee collection presumed the collectability of fees from non-fare paying passenger or aviation operations which is by no means clear under Federal Law. The difference between Republic and Gabreski, in addition to Gabreski being three times as large as Republic physically and three times as difficult to supervise, Republic has approximately 30,000 fare paying passenger transactions a year compared to Gabreski's virtually none. The comparison, therefore, of revenue streams and personnel, I mean, the operating budget for Gabreski except for the addition of security is \$262,000 a year, Republic's is \$2.2 million a year. Gabreski has nine aviation related leases, Republic has approximately 200. Republic has things like a terminal, we have a falling down former military building.

That being said, the point I want to make is Gabreski is a problem, it's been a problem in my district for the last nine years. We've made some very substantial progress, we are on the way to making it a self-sustaining facility and self-sustaining is the point I want to make because it can never be more than that under Federal Trust Agreements. However, certainly we can strive to that end and we actually reached that end for the first time in 1996; from 1971 to 1996 we operated it at a loss. The good news is yes, we are improving the facility, we are improving and creating the ability to collect fees and enforce leases and part of the problem is personnel. Gabreski's 1,500 acre facility with its over 30 miles of electric cable, with its 1,500 acres of lawn that needs to be mowed, with its office and clerical personnel, and yes, we have finally consolidated the bill and record keeping function so that the management knows what bills aren't getting paid and the billing department knows how much they should be for. But Republic Airport runs with 28 employees and Gabreski runs with four.

D.P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

Just to continue what Legislator Guldi was saying, it's rather obvious if you have an expectation that they're going to collect fees, you have to have the program to collect fees and you have to provide the personnel. I don't know what you expect personnel to do out there, run out and wave them down as they taxi? It's a tremendously large facility and I think it's real -- I think it's short, I think it's inappropriate, I think it's partisan to take that shot, but that's pretty much what's happening today. And I'm glad, I actually like partisanship because I think it provides

healthy debate. I think it's good to have the loyal opposition so that we all, if you will, stay on top of it for the benefit of the taxpayers. So, you know, I'm glad to see that, especially on the Democratic side, it seems today we have a lot of partisan shots.

Talking about contract agencies, what I liked about this particular process, and I don't know whose idea it was but I happen to like it, when we -- in good budgetary times there's a propensity for program expansion and that includes contract agencies and the like. And what we did, I don't know if contract agencies were aware, we actually -- I think the process, we took all of the contract agencies and we defunded them totally, in a sense to start from scratch. And let -- understand that County Executive Gaffney obviously set the tone and we looked at it, so I think he acted responsible, that we had to come to a point where we had to tighten some belts. So what we did is we said, all right, we're going to defund everybody, now Legislators, each of us in different forums sat down -- in caucus forum, by the way, I believe it was -- and decided what we as Legislators in our particular districts, which had a profound effect in our districts and we in a sense refunded and put those monies back in for those particular contract agencies that we thought were important. That had the effect of being somewhat efficient as what -- with contract agencies and as the Presiding Officer mentioned earlier, some contract agencies didn't get funded, some because there wasn't the support; they over the years, however they got funded, the way they received their support from obviously wasn't there.

So believe it or not, in the contract agency arena we did bring back those programs that are very important and later on we'll talk about Program Home which is a major cost avoidance expenditure that we make, I think that will accrue the interest to everybody's -- across everyone's district.

As to the comments about Red Cross, I think it was unfair to say that the County Executive was looking to cut that program; they simply made a representation that they could do it better and with less money. There was never an intent to reduce the program and the services that are provided, especially in my particular district. And I still think the jury is out as to exactly how much it does cost to run that program. In the meantime, that has been -- that's still with the Red Cross and I would hope that down the line we'd get a better handle on what's going on with the Red Cross and either keep it with them or let Probation run it.

You know, everybody likes to use the positives, you know, oh, it's a balanced budget; it's easy to balance, we've always balanced numbers, we found a way of balancing numbers. But nobody

wants to talk about one of the biggest problems of this entire budget process and that is while we talk about revenues and we talk about programs for homeless and all of these, you know, services to taxpayers that are important, one of the things we fail to look at is revenues; I shouldn't say we failed to look at it, I'll say we failed to responsibly the problem with revenues.

Now, I'm going to look at my draft Omnibus resolution, one that I received last week, and I have a couple of questions. First of all, in Item 1.10, "Increase. Sales tax estimate based on the BRO forecast for fiscal year 2002-2003, the figure is 27 million." Now, this is all part of coming up with the monies we weren't funding by increasing the sales tax on clothing. Now, when we look at the 27,963,000, the question I have is how much of that is going to be recurring in 2004, Fred?

MR. POLLERT:

Roughly five to \$6 million of it.

LEG. HALEY:

All right, so we're basically about 22 million shy then. Okay, so there's the first one-shot revenue. Secondly, I see there's a line here for \$2 million for wireless rental lease revenues, for \$2 million in 2003. Is there an expectation that that will recur in 2004, Fred?

MR. POLLERT:

Depending upon how they do the leases, the --

LEG. HALEY:

How about the likelihood?

MR. POLLERT:

Depending on how they do the leases, it may reoccur. When we did our forecast for 2004 we were conservative and assumed that it would be an upfront payment and that there would be no revenues in 2004.

LEG. HALEY:

All right, so there's a possible one-shot. 1.04, "Deferred mental health aid, flow through TSRF, 14,731,000;" what's the expectation that those monies will be there in 2004?

MR. POLLERT:

That's a non-reoccurring revenue.

LEG. HALEY:

That's a non-reoccurring revenue or commonly referred to as a one-shot revenue. And lastly, there's transfer of funds from Fund 120 which is the Home Program, I assume that's the affordable housing program that we also bought at the County Executive. And 2003, in this year's budget you've transferred funds out of that to the tune of \$8,470,772; is that revenue expected to pop up in 2004 as well?

MR. POLLERT:

That is non-reoccurring as well.

LEG. HALEY:

It's also as another one-shot. We've seen neighbors just immediately to our west who have gotten into big troubles with one-shots and here we are thinking that we're doing the right thing by all contract agencies, and I'm along with all the other Legislators and think that that's appropriate, but I think that's a very narrow look at it when you're going to -- when you look at the entire process and all we're talking about is contract agencies, we'll take political potshots at the County Executive, I think when it really comes down and forgetting the spin doctors and everything like that, you've just heard that we've got probably, whatever, 27 plus two plus 14 plus eight is what, \$50 million in one-shot revenues, that puts us 50 million in the whole next year, plus we know that the pension costs may go up even more for next year. We projected 51 million, we've heard as high as 113 million, it may settle out at about 75 million, so there's another 25 million there, all right. And this Legislature -- and I'm being rhetorical because we're not going to debate it because obviously it's not going to go anywhere -- does not want to look at tobacco securitization which in and of itself --

LEG. CARACCIOLO:

It's a one-shot.

LEG. HALEY:

Excuse me. Did I interrupt you; did I? I did not interrupt you.

D.P.O. POSTAL:

Legislator Haley, Legislator Caracciolo, let's just continue.

LEG. HALEY:

Right. A one-shot in my view is exactly what we've defined here, and that is a revenue that occurs in 2003 and does not recur in 2004, that's why it's called a one-shot. Tobacco securitization provides you the opportunity to avail yourselves of some monies to front load those and spread those monies out not just for one year -- I think Nassau did it for one year, two hundred some-odd million -- but what we could do is we could take that and we could spread that out over a period of time so that we're not -- and if you want to call it one-shot now, it's a mid-term, it's a mid-term revenue picture that obviously would dissipate and you could -- what you could do is modify that, you want to dissipate it over two years, five years, ten years, you can do that. I don't think we once asked for a proposal or a look at how that could work, how over a five to six year period we might be able to resolve our issue for 2003, slightly reduce the revenues from the securitization in 2004 and continue on that path until such time as perhaps sales tax revenues pick up or other revenues pick up where we could solve the problems in this County. But instead of taking that pain, if you will, and trying to spread that out over five or six years to make it easier for us to work, what we have done is we've said we're not even going to consider it, we're just going to put ourselves immediately \$50 million in a hole for next year; I think that's irresponsible. Thank you.

LEG. CARACCILOLO:

Madam Chair?

D.P.O. POSTAL:

I'll put you on the list, Mike. Legislator Carpenter has a question.

LEG. CARPENTER:

Just in line with what was said there. Fred, one-shot revenues, the revenues that were just outlined that have been characterized as one-shot, are they real revenues though they would be non-recurring?

MR. POLLERT:

Yes, we believe that they are going to be realized revenues in 2003.

LEG. CARPENTER:

Okay, thank you. Also, my other question, Legislator Haley just spoke about the option of securitization, is that something that is only available to us this year or is that something that we can consider next year?

MR. POLLERT:

Frankly, it's available to the Legislature at any time including during the year. So if there was something untoward that happened with either the State budget or the pension costs or something of that sort, that's an option which is available to you at any time during the year.

LEG. CARPENTER:

So by going the way we have gone with these real revenues, so though they would be non-recurring, we still have that option of securitization if something really devastatingly -- you know, something financially devastating should occur.

MR. POLLERT:

Absolutely we do; yes, that's correct.

LEG. CARPENTER:

Thank you.

D.P.O. POSTAL:

Just before we continue, I would just like to make a quick comment on Legislator Haley's comments; he's not here. But I would just like to say that there was no consensus with regard to restoring the sales tax on exempt clothing items. There has never been a consensus on tobacco securitization. Legislator Haley obviously supports tobacco securitization, I don't; we have a different point of view. Unless you get ten people who agree on a revenue it doesn't exist, and that was the problem that we faced.

With regard to Legislator Haley's pointing across the border to the west and talking about this Omnibus being akin to Nassau County's budgeting, Nassau County did something completely different. We have revenues that we put into the budget, we have always attempted to be realistic when trying to estimate how much revenue we can anticipate receiving, what our expenditures will be. Tom Gullotta's system of budgeting was to say, "Everything's fine, we don't need to increase taxes, we're going to pay for pencils by bonding," and that's how they got into trouble. This Legislature has consistently over the years been responsible for passing balanced

budgets with accurate figures. We have received over the years I don't know how many budgets with over projections of revenues and under projections of expenses and those of us who have been here for all those years know that that's true. Nobody can say that we have received budgets which are absolutely honest and that we didn't need to make adjustments, but we made adjustments and the adjustments that we made put this County in a very good fiscal position. So to compare us with Nassau County is completely wrong and ignores the fact that Tom Gullotta walked around with blinders on and refused to accept that there were going to be deficits and shortfalls and when he did acknowledge that he had to raise revenues he did it by borrowing. Now that's in complete opposition to what this Legislature has done. And this budget, by the way, has avoided the Nassau County model of budgeting because it relied on \$58.2 million of a revenue that didn't exist because this Legislature was not ready to abolish the exemption on clothing items, this Legislature has never been ready to do that. But I will say that next year we might have to take another look at that and we're prepared to do it and we have those options in reserve. That's the difference between --

LEG. BISHOP:

Securitization.

D.P.O. POSTAL:

Yeah. And, you know, I know that tobacco securitization is another card, you know, I just don't accept that as an option, but it is, you know, and certainly worth discussing. If we use those options now they're not going to be there in the future. So we put in some realistic revenue sources, maybe they're one-shots but we have two ways to replace those one-shots.

Now, talking about Nassau County. Last year we increased the sales tax, we increased the property tax, we used an Energy Conservation Tax, we have increased taxes in the Police District this year; these are all recurring revenues. This is not a budget that is solely dependent on one-shots, so let's be accurate about it and let's not accuse this Legislature of Suffolk County of doing Nassau County financing because that's just a terrible misrepresentation and does a terrible disservice to the Legislators and Legislators from both sides of the aisle, Republican and Democrat. We've worked together and, you know, all of us who have worked on this budget this year know how much torment we went through, know how much anguish we went through because we wanted to do right by this County. We wanted to provide the services that we are obligated to provide for people, we wanted to do it in such a way that we felt would be realistic, wouldn't be creating imaginary revenues and our history. You know, if you're going to look at

something, sometimes you have to judge somebody by their past history and their past performance. Our past performance has consistently been one of rescuing this County so that we didn't go down the road of phony revenues and underestimated expenses and I think we're continuing to do that. Next speaker is Legislator Foley.

LEG. FOLEY:

It's very hard to follow-up on those insightful and to the point remarks made by Legislator Postal; an excellent, excellent commentary on the process that has unfolded this past many months. I would just add one other element to that just to further indicate how unfair it is to make comparisons between Nassau and Suffolk. And as we all know that in Nassau, they have close to over a billion dollars worth of erroneous assessments that had to be paid over a period of years, and we don't have that hanging over our heads as they do in Nassau, that level of erroneous assessments. So again, it just underscores what Legislator Postal had mentioned, that it really is unfair and inaccurate and disingenuous to make any kind of budgetary comparisons between Nassau -- old Nassau County and Suffolk County at this point.

I would just finish with this, Madam Chair. And many remarks have been made, normally we wait till late to say these remarks and I would simply like to congratulate and thank the Budget Review Office. It's my understanding they have worked consecutively since -- consecutive days since the middle of September, so whether it's 49 or however you add that up, 45, 49, 50, 42 days, but virtually without any time off in that span of days and weeks and months, the Budget Review Office has been here working diligently seven days a week almost 24 hours a day. So I do want to thank you all for all your help in those regards, especially --

MS. HOWE:

In the Health Services area, she was wonderful, as you all were in your own designated fields of budgetary analysis. And without you, we couldn't put together this solid budget that we will soon be voting affirmatively on. So thank you.

LEG. CARACCILO:

Madam Chair?

D.P.O. POSTAL:

Legislator Caracciolo, Legislator Caracappa is next; if he yields to you --

LEG. CARACCIOLO:

Go ahead, Joe.

LEG. CARACAPPA:

Thank you, Madam Chair. This is just my one minute editorial on the process. First I would like to thank my colleagues who participated this year. Since '95 it's been really a core of five, maybe six Legislators who come up with the Omnibus every year and it was nice to see the participation that existed this year, really nice. When times get tough, it was nice to see ranks close here on a bipartisan effort and get the job done. You know, Legislator Haley said earlier that partisanship is good, it keeps everyone honest, but it has its place. And call me Pollyanna but I think today was no place for partisanship, and that's just my take on it after all the work we've done together.

I want to thank Legislator Carpenter, Fisher and especially you, Deputy Presiding Officer Postal, for the way that you conduct yourself not only through the budget process but today. It's not about talking about partisan politics, it's about -- your point of view as it relates to the issues, it's about your point of view that we as a Legislature want to fix a budget, it's about sharing ideas, it's about discussing ideas. And it's not about watchdog or pit bull type of partisan politics. You didn't sit there and read a speech, you didn't sit there and trivialize about one little patronage position as if it was something that is brand new to government nowadays, you sat there and you made your point as did the other ladies in the Legislature. And for me as one Legislator that's been here through now eight budget cycles, it's always -- you never stop impressing me with your comments and your willingness to have the people of Suffolk County view this Legislature as a whole when it comes to tough times such as budgets like this.

The public views the government as one entity; unfortunately living in a vacuum we start thinking that, oh, it's their fault not our fault, or it's the Executive, it's the Legislature; that's not the way the public views government, it's what we do on a consensus bases. Whether it's partisan or nonpartisan, bipartisan, we need to take that partisan, the rationing up of that partisanship especially during tough times and squelch it. Because again, this Pollyanna view, I firmly believe it goes nowhere, it has its place, it has its place in the public, it has its place at a podium at a press conference outside of this hall, and I think by working together as we have for many years now, we'll continue doing good things such as what we're going to do today, and as providing for the people on so many different levels. So I thank my colleagues again, those who have kept the rhetoric down, those of you who have put the long hours in; I certainly appreciate it as one Legislator and as one resident of Suffolk County.

LEG. CARACCILO:

Mr. Chairman?

LEG. HALEY:

I'm going to throw up.

D.P.O. POSTAL:

Legislator Fisher and then Legislator Caracciolo.

LEG. VILORIA-FISHER:

I have a question, a couple of questions for Budget Review. When Mr. Gaffney met with us this morning there were questions that he did ask, that he did raise, and I just wanted to verify, Fred, with you our position. One of them was the item to which Legislator Haley was referring a moment ago, the Deferred Mental Health Aid. Mr. Gaffney indicated this morning that that wasn't real money, that we don't have certainty on the part of the State that this is going to be realized. Can you please expand on this and give us the reassurance that it is real money?

MR. POLLERT:

Suffolk County is not the only County which is impacted by this. Across the State of New York there's approximately \$172 million which was advanced to counties because of increased costs. It was revenues which were advanced and were not supposed to be shown as a revenue; many of the Counties booked it as a revenue. If the State of New York demanded the money back they would have deficits in their budget. Partly to address concerns of counties that Social Services costs are skyrocketing, the Governor has proposed and has support in both houses for legislation to basically forgive that loan.

We faxed the information to our independent auditors, it was their opinion that that revenue could be treated as a revenue because we have provided the services, even if it had been advanced over a number of years we never booked it as a revenue. So there's no question on the part of the independent auditors that in fact it would be a good revenue when the cash comes in, but we took an additional step as well. The Omnibus resolution calls for the County Treasurer to post it to the General Fund and then transfer it to the Tax Stabilization Reserve Fund and there's an offsetting transfer from the Tax Stabilization Reserve Fund back to the General Fund. The long

and the short of it on the reason we did that is that the County's General Fund will receive that \$14.7 million because it's an interfund from the Tax Stabilization Reserve Fund.

When we contacted both NYSAC and GFOA, the expectation is it will be included. Many municipalities have included it in their budget just as Suffolk County's Omnibus Resolution No. 1 has done. If the revenues for whatever reason don't materialize it will not be assured for in the General Fund, it will flow to the Tax Stabilization Reserve Fund. But the General Fund will receive its \$14.7 million worth of revenues.

LEG. VILORIA-FISHER:

Okay. Thank you, Fred, because although I hadn't remembered that full explanation, this morning when we did discuss it with the County Executive I said that you had assured us that our budget was indeed balanced, that these were real funds and now it's clearer.

Another issue that we discussed in some of the Omnibus discussions were the airport fees. If we were to exact the fees that are on the books on the airports, what kind of levels are we talking about; how much revenue would there be in 2004? Because what we're saying is that this budget does impact negatively in 2004; what level of revenues are we expecting from that source?

MR. POLLERT:

Neither this year's Operating Budget nor last year's Operating Budget anticipates large increases in revenues associated with fees that they can charge. When the County Executive had proposed the 2003 recommended Operating Budget, he had a \$1 security charge for landing. When we calculated the cost of actually providing security there with the Deputy Sheriffs, the cost was approximately \$600,000. We said that the fee really needed to be 875 to recover the cost of security. So basically what we have done is just calibrated the County Executive's one dollar fee up to 875 to recover the cost of the security, so it's not --

LEG. VILORIA-FISHER:

It would be a wash?

MR. POLLERT:

-- a change in the revenue, it's just calibration so that you're recovering really what your costs are. The intent, as stated by the Executive, was to recover the cost of security, it was just set too low to be able to do that.

The 2004 Budget doesn't take into account increased fees from putting in the new counter or anything else. If they materialize that would be wonderful, but the budget is not balanced on actions that have to be taken by the airport to generate, you know, one or \$2 million worth of additional revenues.

LEG. VILORIA-FISHER:

And with the lease agreements there being what they are, would we have the ability to raise those fees next year?

MR. POLLERT:

That would really require a review. Part of the reason that we didn't recommend any new fees is talking with Legislator Guldi we know that they do have a lot of long-term leases there, we're only proposing to change what the County Executive had originally proposed.

LEG. VILORIA-FISHER:

Okay. Thank you, Fred.

D.P.O. POSTAL:

Legislator Caracciolo, at last.

LEG. CARACCIOLO:

Thank you. I have this feeling that between now and sometime in the next six months the issue of tobacco securitization will be back. So let me call to the attention of those who have not taken the opportunity to look at page 84-85 of the Budget Review Summary and just highlight not only their findings but also their recommendations. First let me point out -- Mr. Chairman?

P.O. TONNA:

Yes, I'm here.

LEG. CARACCIOLO:

That it was you, I and Legislator Bredes back in 1997 that had spearheaded the legislation in this chamber to become a plaintiff in that lawsuit. And as you well recall, there were those in our own

political party who tried to dissuade you and I as Republicans for doing that because at that time Attorney General Dennis Vacco didn't want the State of New York to get involved.

P.O. TONNA:

Right.

LEG. CARACCIOLO:

We dismissed those efforts and we went ahead and sponsored the legislation and this Legislature overwhelmingly adopted the resolution and became a party and ultimately a beneficiary of the master settlement to the attune of \$25 million a year for 20 years. Now we're in -- is this the second or third year, Fred, of the tobacco securitization settlement? Fred, what year are we in in terms of the receipt of tax securitization settlement funds, year two or year three?

LEG. CARACAPPA:

Tobacco funds.

LEG. CARACCIOLO:

Tobacco; what did I say?

LEG. CARPENTER:

Bad word, you said the S word.

LEG. ALDEN:

You said tax securitization.

MR. POLLERT:

It's year three or four I believe.

LEG. CARACCIOLO:

We're in three, year three.

MR. POLLERT:

Yeah.

(* RETURN OF REGULAR STENOGRAPHER - LUCIA BRAATEN*)**LEG. CARACCIOLO:**

Now to the summary of BRO's report. It says the benefit -- at the bottom of page 84 -- the benefits of guarantee in future tobacco revenues to receive upfront cash comes with a significant cost. I think when you talk about one-shots, think about tobacco securitization as a one-shot with interest. It goes on to say -- they go on to say on page 85, last year the County Executive proposed securitizing tobacco revenues to achieve a net savings of 37.7 million dollars in General Funds property taxes in 2002.

Under that plan, budgetary savings would continue on a declining basis through 2009. After that time, the budgetary impact through 2030 would be at a cost of over 354 million dollars for a net program cost of 234 million. Do the numbers. Securitizing tobacco or other recurring revenues such as sales tax to gain a short term budgetary advantage is extremely expensive over the long run and strains -- strains future County resources.

So if you want to get into the borrow now/pay later syndrome like Nassau County, you consider things like tobacco securitization. Let me just go to their conclusion at the bottom of page 85. Budget Review Office Recommendations. Securitizing tobacco revenue was a bad idea last year and is even a worse idea this year. Attempting to backfill 58 million dollars in sales tax revenues through the securitization of tobacco revenues in lieu of removing the sales tax on clothing exemption would be extremely costly. Underlying budgetary issues would remain unresolved for 2004 and beyond. It is a one-shot with interest, even a worse idea than the one-shots some are criticizing omnibus one today.

P.O. TONNA:

Here, here. Okay. Next, Legislator Alden.

LEG. ALDEN:

I think I just have two quick questions of Budget Review. Legislator Caracciolo asked about the -- I think a yearly impact. How much of that 25 million actually goes to the General Fund?

MR. POLLERT:

One hundred percent of the tobacco revenues go to the General fund.

LEG. ALDEN:

And then how much is used actually in cessation-type programs?

MR. POLLERT:

There is approximately 2 million dollars, I believe, or 2.3 million. Roughly between two to three million dollars.

LEG. ALDEN:

And I just had one other quick question. There was a sewer stabilization resolution that was passed by myself and -- sponsored by myself and Legislator Rizzo. How much money does that produce for the General Budget?

MR. SPERO:

Eighteen million.

LEG. ALDEN:

It's 18 million a year?

MR. SPERO:

This year.

LEG. ALDEN:

Now that along with other type of sales tax revenues can fluctuate up or down, is that not correct?

MR. SPERO:

Well, it's a -- it's based on a fixed percentage of the quarter sent sales tax collections so we can expect it to increase every year as sales tax revenues increase.

LEG. ALDEN:

But 18 million dollars went to the General Fund in 2003

MR. SPERO:

In three, correct.

LEG. ALDEN:

Or proposed 2003.

MR. SPERO:

That's correct.

LEG. ALDEN:

Thanks.

D.P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

Can I pass for a moment?

D.P.O. POSTAL:

You're the last one. Oh, Legislator Caracciolo would like to have the floor.

LEG. CARACCIOLO:

Just piggyback, I think, the direction that Legislator Alden brought up, and that is tax stabilization funds. Again, unlike our neighbor to the west, this Legislature has a long history of establishing, maintaining and increasing funds to tax stabilization. And we did it again in 1999 when we went to the voters in a ballot referendum in the year -- in 1999 that commenced December 1, 2000 and said we had a quarter percent program that was originally started in '89 for the Southwest Sewer District; and that had several components to it.

What we did then was we broke the new program or the extension of thirteen years of additional quarter percent sales tax proceeds for environmental preservation, for sewer tax stabilization and for -- well, there are three components within the environmental preservation program, so. I think there are three there, the sewer, and there's tax stabilization and there's one other component, Paul. There's --

LEG. ALDEN:

Farmland preservation.

MR. SABATINO:

You're right. There's three water quality components. There's all the sewers and there's tax stabilization.

LEG. CARACCIOLO:

Okay. And on an annual basis we are constantly contributing money to those tax stabilization funds. That's one of the enablers, if you will, that have helped us to maintain a high bond rating. But, at this point, make no mistake about it because I will say it again next year when we're

sitting here with next year's budget or before then when the State goes back in session in December and again in January, and they start dumping more state unfunded mandates on municipalities, and people right here are going to be scratching their heads and saying now what do we do? We got to do tobacco securitization. Wrong. We have twelve months in next year and you have a month and a half between now and the beginning of next year. Start managing your finances. That's where I'm coming from. And when I see that type of leadership, then I'll consider all of the alternatives; not one moment before.

D.P.O. POSTAL:

Legislator Haley?

LEG. HALEY:

We had a fellow Legislator suggest that we charge Legislators by the word. And I think we'd --

D.P.O. POSTAL:

We'd be able to fund our complete County budget.

LEG. HALEY:

There's no doubt in my mind. No doubt in my mind. And I think -- never mind, I won't give top honors to anybody. I just wanted to ask one quick -- a couple quick questions of BRO. And I do appreciate Legislator Caracciolo's comments concerning tobacco securitization.

I would imagine there is a point and I understand it, BRO's position is that the most prudent thing probably would be to increase the sales tax on clothing as opposed to dealing with one-shot revenues or dealing with tobacco securitization. Is that a correct --

MR. POLLERT:

Yes. Specifically what we were looking at in the report was looking at tobacco securitization in lieu of raising the sales tax on clothing and going with the County Executive's proposal. The discussion with respect to the sale -- to the securitization dealt with specifically looking at the two as alternatives for balancing out the operating budget. That was prior -- that part of the report was written up prior to our revising the estimate on sales tax. When that section of the report was written, we were under the expectation that you really had to do sales tax on clothing, that there were no other alternatives. And we looked at tobacco securitization as an alternative to doing that and we found that the sales tax on clothing would be a far better alternative.

LEG. HALEY:

My only concern is, and I understand fully this, this is via discounting if you go to tobacco securitization, and I'm very much aware of that. An awful lot of counties have already done so and they've done it in a one-shot way where they've taken all the monies. But I think the average Joe out there, when you say that the tobacco companies have to provide billions and billions of dollars over the next twenty years in tobacco revenues to share with government, municipalities, that they're going to make every effort to get out from under that. So while I understand the severe discounting, we have to understand the risk component, too, because I would imagine at some point in time there's continued settlements like those in California where I think they gave a woman a 26 billion dollar settlement. At some point that's going to affect our pocketbook. But that put aside because obviously that's not something that's going to happen today. Fred, was it in this review that you made comments concerning that deferred mental health aid? And what page is it?

MR. POLLERT:

Yes.

LEG. HALEY:

Can you just tell me what page that's on? One of the things I'm concerned with is you mentioned the word cash.

MR. POLLERT:

Page 335.

LEG. HALEY:

Right off the top of her head. By the way she did a great job working on the contract agencies.

335. You mentioned the word cash at one point. And my view is this. I'm not sure it's cash. I thought it was just a bookkeeping. It was a bookkeeping effort. And secondly, you made a representation -- you really think the State -- because we all know, we all have a sense and the people have been to Albany prior to this election go a sense, that you think the State has troubles now, wait until you see after elections, how much troubles they really have. Do you really think although there's a representation that there's some level of support, you really think the State is going to forgive us that 14 million dollars which we already have?

MR. POLLERT:

If it was just Suffolk County probably not. But it impacts each of the counties to the tune of 170 million dollars. In addition to that, most of the counties did something that they were not supposed to do. They had booked it as a revenue. So if the State does not forgive them, they'll actually have deficits in their budget as well as having to address the large run-ups in mandated Social Services costs. With respect to cash, what I was saying is that the County had received the cash as a cash advance. So when this revenue is recognized, the cash has already been received. It's now going to be recognized as a revenue.

LEG. HALEY:

Thank you. I'm finished.

D.P.O. POSTAL:

Will all Legislators please return to the auditorium.

I think we have a motion and a second.

P.O. TONNA:

We're ready? There is a motion and a second. Motion and a second. I'd ask all Legislators please come to the horseshoe. Legislator Towle, Legislator Guldi, we're waiting. Legislator -- there you go.

LEG. GULDI:

What I'm too small, you can't see me?

P.O. TONNA:

You know, and it's funny. I mean how could I miss that target? Okay. There we go. All right, there we go. It would be like flying into a plane hangar. How could that happen? Okay here we go. Legislator Crecca, where art thou?

LEG. TOWLE:

He told me to vote for him.

P.O. TONNA:

There is a motion, there is a second. There we go. Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. TONNA:

Yes.

D.P.O. POSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. CARACAPPA:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. COOPER:

Yes.

P.O. TONNA:

Okay.

MR. BARTON:

13 - 5.

P.O. TONNA:

Okay. Now I would expect that two M and two D is now conflicted out?

MR. POLLERT:

Yes.

P.O. TONNA:

Or conflicted out?

MR. POLLERT:

Yes.

P.O. TONNA:

Or conflicted out? Okay. We're onto **Number Four remove \$18,930 for furniture and furnishings.**

D.P.O. POSTAL:

That's conflicted out?

P.O. TONNA:

No, none. No. Three is conflicted. Number four is not. Okay. Stick with me. I got the yellow pen. Number four, okay. Legislator Caracciolo, you're making a motion?

LEG. CARACCILO:

Motion to approve.

P.O. TONNA:

All right, motion to approve. Is there a second?

LEG. FIELDS:

I'll second that.

LEG. BISHOP:

What's the point of this?

LEG. LINDSAY:

Can we get an explanation --

P.O. TONNA:

What's the point?

LEG. BISHOP:

Why wasn't it in omnibus for example?

LEG. CARACCILO:

This is a Budget Review Office recommendation.

P.O. TONNA:

Can you do me a favor, Legislator Bishop, because I know we have such a large agenda.

LEG. BISHOP:

Right.

P.O. TONNA:

We have a hundred and something of these.

LEG. LINDSAY:

Okay. Can we just get an explanation why it was --

P.O. TONNA:

Okay.

MR. POLLERT:

Basically what this resolution would do, would be to reduce the furniture and furnishings line item to the funds that were included in the 2002 adopted budget. So there was a large increase.

LEG. CRECCA:

I'll second -- oh, she seconded it.

LEG. CARPENTER:

Okay. All those in favor? All those in favor?

LEG. CRECCA:

Mr. Presiding Officer?

P.O. TONNA:

Yes. Okay. There's a motion and a second by Legislator Fields. All in favor? No, let's roll call these.

LEG. FOLEY:

No. Come on.

P.O. TONNA:

All in favor? Opposed?

LEG. TOWLE:

Opposed.

P.O. TONNA:

I'm opposed.

LEG. ALDEN:

Opposed.

LEG. BINDER:

Opposed.

LEG. ALDEN:

Roll call.

P.O. TONNA:

Roll call. I don't want to get anything to go to the General fund. I don't want to be negative.

(Roll Called by Mr. Barton, Clerk)

MR. BARTON:

Okay. Legislator Caracciolo.

P.O. TONNA:

Yeah, right. Exactly. It'll lower the tax levy.

LEG. ALDEN:

Call the roll.

P.O. TONNA:

It'll lower the tax levy.

LEG. ALDEN:

Call the roll.

P.O. TONNA:

I don't want to lower the tax levy beyond zero percent.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. BISHOP:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. BISHOP:

Point of order.

P.O. TONNA:

Point of order.

LEG. BISHOP:

I appreciate what you're saying and I appreciate what Legislator Caracciolo is saying. Are we able at this point to amend things on the floor; amendments on the floor? What I would suggest is

that we instead of lowering the levy, is move it to 5-25-5. And that way we save taxpayers money in future years.

LEG. FIELDS:

Great idea.

LEG. CARPENTER:

Great idea.

P.O. TONNA:

All right. There we go.

LEG. CARACCIOLO:

That's fine.

P.O. TONNA:

Okay. You want to amend it to put it in 5-25-5?

LEG. CARACCIOLO:

5-25-5. Counsel, we can do that?

MR. SABATINO:

Yes. You're the sponsor. As long as you consent, it can be done.

P.O. TONNA:

Is our stenographer ready for all of this?

LEG. CARACCIOLO:

Thank you, Dave.

P.O. TONNA:

Okay, get ready. Set? Let's go. All right. There's a motion now to take that and move it from 18 -- from Audit and Control to 5-25-5. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Okay.

LEG. FOLEY:

Opposed.

LEG. GULDI:

Abstention.

P.O. TONNA:

Abstention. Okay

MR. BARTON:

17. (Amended 16-1-1)

P.O. TONNA:

Number 5 remove \$34,115 for office machines. Now we're going to make a motion to amend that to move it -- the 34 thousand dollars --

LEG. BISHOP:

Second.

P.O. TONNA:

-- to 5-25-5. Seconded by Legislator Bishop. All in favor? Opposed?

LEG. TOWLE:

Opposed.

LEG. GULDI:

Abstention.

P.O. TONNA:

Note that this might be a pattern. Okay. No? Okay. **We have Number 9**

Reduce 2002 Estimated Cost for Fees for Services; Non-Employees \$150,000. Legislator Caracciolo?

LEG. CARPENTER:

Nine?

P.O. TONNA:

Yes, number 9. Legislator Caracciolo? Yeah, it says partial.

LEG. TOWLE:

Explanation.

P.O. TONNA:

Yes, it says partial.

LEG. TOWLE:

What does that mean?

MR. POLLERT:

Part of the reason that it's a partial is, is that the omnibus bill has already reduced fees for services by 1.25 million dollars. It would not be inconsistent to continue to cut, however --

P.O. TONNA:

We've already cut.

MR. POLLERT:

You've already cut.

P.O. TONNA:

Okay. So Legislator Caracciolo and the District Attorney's Office, there's a motion by Legislator Caracciolo.

LEG. GULDI:

No civil service.

LEG. CARACCIOLO:

We're on number nine.

P.O. TONNA:

Yeah, number nine.

LEG. CARACCILO:

Number 9, George, next page. Motion to approve.

P.O. TONNA:

Okay. Motion to approve. Now, do you want to move that over to 5-25-5?

LEG. CARACCILO:

Yes.

P.O. TONNA:

Motion by Legislator --

LEG. ALDEN:

Point of order.

P.O. TONNA:

Point of order.

MR. BARTON:

Please use your microphones.

P.O. TONNA:

Please use your microphones.

MR. POLLERT:

That would be 2002 monies so you can't --

P.O. TONNA:

Can't do it.

MR. POLLERT:

You can't move it to tax stabilization reserve. And you did reduce it in the omnibus --

P.O. TONNA:

Right.

MR. POLLERT:

-- to the amount which we had recommended.

P.O. TONNA:

Okay.

LEG. CARACCILO:

So I'll withdraw the resolution.

P.O. TONNA:

Withdraw it. There we go we. We were waiting for that. Okay. **Number 11, Abolish the Department of Economic Development. Transfer administration of Gabreski Airport to DPW and the Economic Development function to the County Executive.** Fields and Caracciolo. Economic Development. Okay.

LEG. BISHOP:

What happened to nine?

P.O. TONNA:

11. 11, there's no -- even though it says one, there is none. Okay. It's a misprint. Stick with me. I got the key.

LEG. CARACCILO:

He's got the script.

P.O. TONNA:

Okay. I got the script. Number 11, there is no conflict and there is a motion by Legislator Fields, seconded by Legislator Caracciolo. All in favor? Opposed?

LEG. GULDI:

On the motion.

P.O. TONNA:

On the motion.

LEG. GULDI:

On the motion.

P.O. TONNA:

We'll roll call this one. We're on 11.

LEG. GULDI:

I'm on the motion, though.

P.O. TONNA:

You, yeah, yeah.

LEG. GULDI:

See, I'd like -- first of all an explanation of what savings there would be since the airport's running on four personnel now, how are you going to reduce that? Is this merely an effort to move it back to DPW where its illustrious effective history of the last 30 years of operation has been -- has been --

P.O. TONNA:

Give me a good word, George. I'm waiting for it.

LEG. GULDI:

Achieved.

P.O. TONNA:

Achieved.

LEG. BISHOP:

It's sarcastic.

P.O. TONNA:

Make the notation sarcasm intended. Okay, go ahead.

MR. SPERO:

This is a reorganization of the Department of Economic Development. It transfers the functions to the County Executive for the economic development function and the airport to Public Works. And a Commissioner of Economic Development position would be abolished at a savings of about a 100,000 dollars.

LEG. CRECCA:

This abolishes the department itself, doesn't it?

LEG. GULDI:

What happens to the other employees in Economic Development besides the Commissioner?

MR. SPERO:

They're transferred to the County Executive's office.

LEG. GULDI:

So you're abolishing one position and shifting the airport management back into -- where it's been problematic. I understand that. I don't understand why the resolutions mixed, though.

LEG. CRECCA:

Let's take a vote.

P.O. TONNA:

Yeah, let's just vote on it. Okay.

LEG. COOPER:

Excuse me, Mr. Chairman.

P.O. TONNA:

Yes, Legislator Cooper, Chairman of Economic Development.

LEG. COOPER:

I want to remind my colleagues that we did just hire Judith Mcavoy. She resigned from another job that she had long-term to take this position. I would have a real problem with approving this.

P.O. TONNA:

Absolutely. Absolutely. Me, too.

LEG. GULDI:

The sponsor suggests we give her a new job title so then we'd have no savings at all.

P.O. TONNA:

All right, there we go. Another sarcasm -- sarcasm noted. All right. Legislator Carpenter.

LEG. CARPENTER:

As we talked about the fragile economy, I don't think we should be cutting in Economic Development because that's an area we should be moving forward with. And given the fact we have a new Economic Development Director who has a proven history of working with the business community, I think we're going to be seeing some major advances there.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. TONNA:

Yes?

LEG. CARACCIOLO:

I'd like to here from our Budget Review Office as to the amount of business and economic growth that the Department of Economic Development has brought into this County in the last decade.

P.O. TONNA:

I hear bringing in some companies for ephedrine reduction here. No?

LEG. CARACCIOLO:

Fred?

MR. POLLERT:

Frankly I don't know offhand. One of the difficulties is it's difficult to quantify what Economic Development brings into the County when we have met with a variety of different groups like the LIVCB, they often take credit for what Economic Development does as well. Planning does the same thing.

LEG. BISHOP:

IGA.

MR. POLLERT:

Plus like the IDA, it's very hard to isolate just what Economic Development has done.

LEG. CARACCILO:

Mr. Chairman, I think this is a sample of what's to come when you have to make tough decisions. You can't even -- see we're talking about managing the budget again. I had mentioned it just ten minutes ago. It's not going to happen. So I wish everybody well next year when you start adding taxes and increasing them because I'm not going there until somebody demonstrates and exerts some leadership and starts reigning in the cost of county government.

P.O. TONNA:

Okay.

LEG. BISHOP:

Mr. Chairman, I have a question.

P.O. TONNA?

Sure.

LEG. BISHOP:

Probably late in the game. But is there a budget line for advertising in Economic Development for next year, where I know we're going to see certain ads of a particular variety.

P.O. TONNA:

What kind of ads?

LEG. BISHOP:

Well, it will probably be ads urging businesses to come to Suffolk County which will air over the Suffolk County airways.

LEG. ALDEN:

Minority Leaders out there on the radio.

P.O. TONNA:

Islip has a hold on those ads, I think. They've already taken all of the air time. All the air time.

MR. SPERO:

\$15,000.

P.O. TONNA:

Are there some in Brookhaven, too.

LEG. GULDI:

Even I spend more money than that.

D.P.O. POSTAL:

Yeah.

P.O. TONNA:

There's a law that says you can't do that.

D.P.O. POSTAL:

Yeah, that's what I wanted to ask.

P.O. TONNA:

Guys, there's a law that says you can't do that.

LEG. BISHOP:

No. Only for IDA's. Only for IDA's.

LEG. GULDI:

Only \$15,000.

D.P.O. POSTAL:

Maybe we should amend it.

P.O. TONNA:

Hey, guys, it's \$15,000. Give me a break. That gets you on the cartoon network for 30 seconds.

LEG. BISHOP:

Some politicians belong there.

LEG. CARACCIOLO:

Mr. Pollert, what is the budget for all departments?

MR. POLLERT:

For advertising?

LEG. CARACCIOLO:

Yeah.

P.O. TONNA:

Why didn't we do this a week ago? Why do we try to do this now?

MR. POLLERT:

Actually that's probably going to take one or two minutes.

LEG. BISHOP:

We'll come back to this.

P.O. TONNA:

You can get back to that.

LEG. CARACCIOLO:

You know, we cut advertising at the college because people wanted to do that. They thought it was the right thing to do. Because it was being misspent and mismanaged.

P.O. TONNA:

Listen, I don't have a problem with you asking a question. Let's vote on this resolution, give them time to look up the other stuff. They're not connected.

LEG. CARACCIOLO:

Maybe we can do a budget amendment earlier next year.

P.O. TONNA:

There you go. Absolutely. Okay.

LEG. HALEY:

Don't look for offsets for you.

P.O. TONNA:

Marty's already banned the press from back here so, you know. I mean, he's with you. Okay.

Number 11, Abolish the Department of Economic Development. Transfer administration of Gabreski Airport to DPW and the Economic Development function to the County Executive. There's a motion by Legislator Fields, seconded by Legislator Caracciolo. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FIELDS:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

No.

LEG. VILORIA-FISHER:

No.

LEG. HALEY:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

No.

D.P.O. POSTAL:

No.

P.O. TONNA:

No.

MR. BARTON:

Five.

D.P.O. CARACAPPA:

Okay. All right. **Number 12 Remove \$329,533, Merge Womens Services, Minority Services and Veterans Services and abolish four positions.** Now you want instead of

remove that, you want to, say, put that in a 5-25-5?

LEG. FIELDS:

5-25-5.

P.O. TONNA:

Okay. Motion [buy|by] Legislator Fields. Who's the second?

LEG. BISHOP:

I just have a question.

P.O. TONNA:

Wait. We need a second first.

LEG. CRECCA:

Seconded for the purposes of discussion.

P.O. TONNA:

Legislator Crecca seconds for the purposes of discussion. Go ahead.

LEG. BISHOP:

My question is to the sponsors, is it the intention to have the services continue but be consolidated under one management structure or is it the intention to eliminate the services --

LEG. FIELDS:

No.

LEG. BISHOP:

--to those areas of government? Put it on the record, please. That's why we ask questions.

LEG. FIELDS

It is the intent to merge it so that the services are continued, but under a different management technique.

P.O. TONNA:

In other words, a cost savings by combining those different services but you're going to still maintain all those savings? Is that what you're saying?

LEG. BISHOP:

My question to the Budget Review Office is, that theoretically sounds good to me. Are we, however, going to lose state aid or federal aid that's only eligible if we have the departments or the divisions separated?

MR. SPERO:

We don't anticipate any loss of aid. The only aid that's involved is a fixed amount of aid that's received for veterans services. But the only position abolished there is the Director of Veterans Services. So the rest of the function would continue in the County Executive's Office.

P.O. TONNA:

Okay. So it would --

LEG. ALDEN:

On the motion.

P.O. TONNA:

It would abolish four positions but only one live body?

MR. SPERO:

They're all filled, I believe.

P.O. TONNA:

So it's going -- four live bodies. Okay. Legislator Alden.

LEG. CRECCA:

I'm sorry.

P.O. TONNA:

Okay. I'm sorry. Legislator Alden; then Crecca.

LEG. ALDEN:

Fred, this is to Budget Review. This goes to 5-25-5?

P.O. TONNA:

Yes.

LEG. ALDEN:

Okay. So that doesn't affect our warrant? It does because you got positions that are actually being abolished.

LEG. HALEY:

On the motion.

LEG. ALDEN:

I don't see how you can put it into 5-25-5 without affecting the bottom line.

MR. POLLERT:

Well, what the intent with the previous changes were is to take any of the net savings and move it to the pay-as-you-go account. So what we would do is we would draft a resolution to take the savings of 329 thousand dollars and move it to the pay-as-you-go account.

LEG. ALDEN:

Okay. So what you're saying is we have to -- that resolution has to be drafted basically right now. That's what we'd be voting on then. Not a subsequent resolution to do that?

MR. POLLERT:

Basically when you vote on this, we would be directed to change the resolution so that it doesn't lower the warrant, but it goes into the pay-as-you-go account.

LEG. ALDEN:

Even though this abolishes -- well, it causes four people to be fired.

MR. POLLERT:

That's correct.

LEG. ALDEN:

Okay, thanks.

P.O. TONNA:

Legislator Haley and then -- oh, sorry, Legislator Crecca; then Haley. I apologize. It's been a long day.

LEG. CRECCA:

The Director or --

P.O. TONNA:

No, No, no. It's Crecca; then Haley. I apologize.

LEG. CRECCA:

It's all right, Marty. I think we have the same question.

What are the four positions, Fred? It's Director of Veteran Services?

MR. SPERO:

Director of Veteran Services, Director of Women Services, a Principal Clerk and Community Service Aid.

LEG. CRECCA:

What happens to -- who carries on the function of the Director of Veterans Services.

MR. SPERO:

There's five Veteran Service Officers that would continue.

LEG. CRECCA:

Who would -- their supervisor would be the Director of Human Services, then?

MR. SPERO:

That's right.

LEG. CRECCA:

And is this a Budget Review Office recommendation?

MR. SPERO:

No. No, it isn't.

LEG. BISHOP:

Should be.

LEG. CRECCA:

I would ask the sponsor -- I would ask the sponsor as to -- I guess -- who is it? It's Legislator Fields?

LEG. FIELDS:

Yes.

LEG. CRECCA:

What would be the reasoning behind this? My concern -- I tell you --

LEG. FIELDS:

Well, the reasoning for any of these --

LEG. CRECCA:

My concern -- I like the idea of consolidating services. I'm not asking as a criticism. But my concern is, is right now, you know, we provide some pretty essential veterans services. And we don't put a lot of resources into that area as it is. I'm concerned this may affect the services we provide.

LEG. FIELDS:

I guess you can do that if you look at any aspect of county government. But I think if you're going to tighten the belt, then you're looking at all of the problems that we will be facing and we've been promised will happen to us. Then sooner or later we're going to have to try to do something. And this looked like a spot in which we could do that.

P.O. TONNA:

Okay. Thank you very much. We have a motion and a second.

LEG. HALEY:

Excuse me, sir.

P.O. TONNA:

Legislator -- I'm sorry. My mistake.

LEG. HALEY:

You know -- I know that some of the direct services are provided for provided for by some of

these people that work in the Veterans -- what are their titles again? There's four of them. Veterans Service -- Service Officers? But the Director of Veterans Services has a unique I think responsibility. And that is to advocate --

LEG. CRECCA:

I'm withdrawing my motion.

LEG. HALEY:

-- for veterans. You're taking four Veteran Service Officers that provide specific functions, I believe, in services to veterans. But I think the advocacy and the focus on veterans services is very important. And in that regard I can't support doing anything that doesn't advocate for veterans.

LEG. CRECCA:

Mr. Presiding Officer, I'm going to withdraw my second at this time.

P.O. TONNA:

All right, there you go.

LEG. BISHOP:

I will second at this time. I'll second it.

LEG. ALDEN:

On the motion.

P.O. TONNA:

Seconding -- yes, on the motion.

LEG. ALDEN:

Just so people realize that a vote here could be interpreted by the veterans in our County as a direct poke in the eye, not with just one finger but maybe two fingers.

LEG. FIELDS:

May I?

P.O. TONNA:

Yes.

LEG. FIELDS:

That is not the intent of the bill. I think that there are plenty of people that can handle and advocate for veterans. Even though I didn't serve in the armed forces, I certainly advocate for veterans, and will continue to do so. And there are a number of groups in our communities that advocate for veterans. And I think that, again, you know, we're going to be looking at some tough times and you may want to revisit this if this goes down today.

LEG. BISHOP:

Mr. Chairman?

LEG. CARPENTER:

On the motion?

P.O. TONNA:

Yes.

LEG. BISHOP:

I have a question. Mr. Pollert?

MR. POLLERT:

Yes.

LEG. BISHOP:

How many Deputy County Executives are there in Suffolk County?

LEG. FOLEY:

Infinite variety.

P.O. TONNA:

Hold it. He's scrolling.

LEG. HALEY:

While you're asking that, could you ask how many former County -- Deputy County Executives are CEO's of Vytra.

LEG. BISHOP:

One.

LEG. HALEY:

That may have had conversations with Siegle.

LEG. BISHOP:

One.

LEG. HALEY:

Can I get the answer to my question?

P.O. TONNA:

Marty, that's the most ridiculous thing I've heard.

LEG. HALEY:

Yeah.

P.O. TONNA:

Wait, wait. I shouldn't say that. That's not the most ridiculous thing I've heard but it's ridiculous.

D.P.O. POSTAL:

It's right up there.

LEG. ALDEN:

Does Freddy need more than two hands? Is it --

LEG. BISHOP:

Can I get one answer? I think there's four.

LEG. CARPENTER:

In the meantime can I --

MR. REINHEIMER:

Currently there are three positions filled: Chief Deputy County Executive and two Assistant County Executives.

LEG. BISHOP:

And how many County Executive assistants are there? You know, County Executive Assistant I think is the title.

MR. REINHEIMER:

Okay. And one more. So there's four.

LEG. BISHOP:

There's four.

P.O. TONNA:

Four what?

LEG. BISHOP:

Deputy County Executives.

LEG. CRECCA:

No. There's two Deputies, two Assistants.

P.O. TONNA:

No. There's one Chief and two Deputies.

LEG. BISHOP:

They are Assistant Deputy County Executives. There's also a position called County Executive Assistants.

P.O. TONNA:

Which position did you have under the health administration?

LEG. BISHOP:

I had County Executive Assistant.

P.O. TONNA:

You worked for Steve Israel, right? And that became a campaign issue?

LEG. BISHOP:

Larry Schwartz.

P.O. TONNA:

Okay. Larry Schwartz, then Steve Israel. Then Dave Bishop; right? That's how the chain of command worked? Because I just want to know how other administrations ran then. Okay. It's something about height order. I don't know.

LEG. BISHOP:

Am I to detect that you don't like this question?

P.O. TONNA:

No, I love the question, Dave.

LEG. BISHOP:

So could I get the answer?

LEG. CARPENTER:

Could we address the resolution while they're looking?

P.O. TONNA:

Yeah. While Dave is on this wild goose chase --

LEG. BISHOP:

If everybody knows the answer, what is it?

LEG. CRECCA:

It has no direct bearing on this --

P.O. TONNA:

Why didn't it come out in the caucus meeting this morning?

LEG. BISHOP:

Because the point of Legislator Fields' amendment is that every function of the executive branch doesn't require a separate manager at 85, 95, a 105 thousand dollars. And that perhaps with

such a top heavy administrative staff, they could find a way to perform these functions without paying all these salaries.

LEG. CRECCA:

Okay. But this doesn't eliminate any of those positions that you're talking about, Legislator Bishop. This eliminates a Director of Veterans Services who doesn't make \$95,000 a year.

LEG. BISHOP:

Maybe a Deputy County Executive can perform this.

P.O. TONNA:

Did you perform that duty when you were in the Halpin administration as an Assistant County --

LEG. BISHOP:

No, but I would have enjoyed the opportunity.

P.O. TONNA:

Which one? The Veterans, the Womens, the Minority Affairs? Which one, Dave? Or all of them?

No. The answer is all of them. There's the point. The answer is all of them.

LEG. BISHOP:

I'm waiting for an answer and then we'll move on. I don't think it's this. Thirteen.

MR. SPERO:

Thirteen positions.

LEG. BISHOP:

There you go. Okay. I think that makes my case. And I think it makes Legislator Fields' case as well.

P.O. TONNA:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FIELDS:

Yes.

P.O. TONNA:

You're a yes on this.

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Pass.

LEG. TOWLE:

Pass.

LEG. CARACAPPA:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BINDER:

No.

LEG. COOPER:

No.

D.P.O. POSTAL:

No.

LEG. TONNA:

No.

LEG. GULDI:

No.

LEG. TOWLE:

Yes.

MR. BARTON:

Five.

P.O. TONNA:

All right. There we go. **Number thirteen Reduce tobacco cessation program advertising expense \$250,000.** Legislator Caracciolo, do you have a motion?

LEG. CARACCIOLO:

Motion to approve.

P.O. TONNA:

And you want to move it to the --

LEG. CARACCIOLO:

5-25-5.

P.O. TONNA:

-- 5-25-5. Is there a second?

LEG. BISHOP:

Second.

P.O. TONNA:

Second by Legislator Bishop.

LEG. FOLEY:

On the motion.

P.O. TONNA:

On the motion, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. With all due respect to Legislator Caracciolo, I know he's put a lot of time into the budget process, but I would ask my colleagues to vote down this particular amendment as we speak. As we speak the tobacco industry is spending close to a million dollars a day, a million dollars a day on advertising to recruit, if you will, as they called it replacement smokers for those who have died principally from either primary smoke or from secondary smoke especially among older teenagers to those in the young twenties. [It's|Its] very important that in relative terms the small amount of money that we currently have within our budget to combat tobacco advertising to try to enhance smoking cessation programs, tobacco education programs, right now that amount relative to tobacco industry is somewhat small. This would even reduce it further.

So I'd hope that we could vote this particular measure down so that the limited monies that the

Health Department currently has, that they could use those monies as they had proposed in order to try to combat a very, let's say, well funded tobacco industry that on a daily basis is trying to get more and more people to smoke. So I hope we could vote down this particular reduction in tobacco cessation.

LEG. CARACCIOLO:

Madam chair?

D.P.O. POSTAL:

I have you on the list. I'm next. I'd look to ask the Budget Review Office, didn't we do this same thing last year in the budget process?

MR. POLLERT:

Yes. Last year during the budget process, the advertising account was reduced, as well as like the give-away account of the bottles and that type of stuff.

D.P.O. POSTAL:

And by the way, that was ignored, wasn't it?

MR. POLLERT:

Funds were transferred back.

D.P.O. POSTAL:

Right. So actually the intent of the Legislature was disregarded in that instance. What is this advertising expense for? What is it used for?

MS. HOWE:

It's the contract for the advertising that you see in the malls that they do mainly around the holidays because that's when most of the people are in the malls. I believe it is also the internet. The Dog Breath. Com advertising is out of that. It's the -- their main advertising contract, all the venues that they have for advertising.

D.P.O. POSTAL:

So that it's not the T.V. or radio advertising.

MS. HOWE:

I believe it does include some T.V. and radio. It is all their advertising; the malls, the TV, the radio, the computer, the Dog Breath, everything.

D.P.O. POSTAL:

All right. Thank you. Legislator Alden.

LEG. ALDEN:

As somebody that's had cancer, not this type of cancer, but I watched my father die from lung cancer, I would strongly urge my fellow colleagues to not vote for this.

D.P.O. POSTAL:

Legislator Haley; then Legislator Foley.

LEG. HALEY:

I know that Legislator Foley and I are sometimes on different sides of the smoking issue, me being on the freedom of choice side, him being on the other side. But I do and I made a commitment a longtime ago, I do believe in education. And I think it's important. I think it's a valuable service that we provide. In that regard, I think it would be -- disingenuous to reduce that commitment that we made a few years ago to do this type of education throughout Suffolk County. As we know, smokers represent about 20% of our population which is below the State average of, I believe, 23 or 26. And through education if we could reduce that I think it's -- it's a profound thing. Why should we cut it?

LEG. CARACCIOLO:

Ms. Postal?

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

I would just reiterate that the bottom of page 221 of the BRO report, they point out that the County Executive's Department Law and Budget Office should carry out the policy established by the Executive and Legislature through the budget and not process agreements for services that exceed budget appropriations such as advertising. That's the issue here. That's the issue.

The other issue is just the paragraph above that, the Legislature reduced spending on tobacco programs -- that's the programs themselves -- in 2002. The Legislature did that; not the

Executive. The Legislature did that. Specifically funding for consultant fees and instructional supplies were reduced drastically.

So if you really want to help people, get the people who provide those services out into the field to help them. Advertising -- there's no evidence that a 250 thousand dollar advertising campaign is going to have a meaningful effect on smokers in Suffolk County. If you can demonstrate otherwise, I'd support the expenditure. There's no evidence. This is just throwing it up on the wall and seeing what sticks.

D.P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

I was just going to ask BRO this money actually comes from the settlement money, no?

MR. POLLERT:

The funds are not directly earmarked. In other words, the settlement money flows into the General fund. You have not established a specific fund that takes a dollar of settlement funds to fund tobacco securitization. So it all flows into the generalized pot. The theory is that a portion of the tobacco settlement funds be used for tobacco cessation -- whatever.

LEG. FOLEY:

Just stop smoking.

MR. POLLERT:

Stop smoking.

D.P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

Yeah. Just one quick question. This reduces the advertising spending or --

LEG. FOLEY:

Yes.

LEG. CRECCA:

-- eliminates all advertising spending.

MR. POLLERT:

It would reduce it. It would not eliminate it.

LEG. CRECCA:

I just want to make that clear to everybody. What's the total amount of the advertising budget?

LEG. FOLEY:

As you're looking, just -- Legislator Crecca, keep in mind that even though it reduces it, the tobacco industry is still spending a million dollars a day on advertising. So just understand that.

MS. HOWE:

Okay. The total amount in the account is 850 thousand dollars.

LEG. CRECCA:

How much?

MS. HOWE:

850 thousand and 456.

LEG. CRECCA:

It would bring it down to --

MS. HOWE:

It would bring it down to 600 thousand.

LEG. CRECCA:

Thank you.

D.P.O. POSTAL:

Okay. There's a motion and a second, Henry?

MR. BARTON:

Yes.

D.P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. BISHOP:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

No.

LEG. VILORIA-FISHER:

No.

LEG. HALEY:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Pass.

LEG. BINDER:

No.

LEG. COOPER:

No.

D.P.O. POSTAL:

No.

P.O. TONNA:

No.

LEG. NOWICK:

Yes.

MR. BARTON:

Six.

P.O. TONNA:

Okay. **14 Increase Health Services Environmental Fines by \$806,000.** Legislator Cooper.

LEG. COOPER:

Motion.

P.O. TONNA:

Motion. Is there a second?

LEG. BISHOP:

Wait. Partial

P.O. TONNA:

Partial, yeah. Let's get a second.

LEG. CRECCA:

Explanation from Budget Review.

LEG. BISHOP:

Second.

P.O. TONNA:

Second by Legislator Bishop. Budget Review, can you explain this? This is an increase that you want to go to 5-25-5.

LEG. BINDER:

Not increase.

P.O. TONNA:

Can't do that.

LEG. BISHOP:

Can't do it?

P.O. TONNA:

No. Revenue can't go to 5-25-5. It's a revenue on fines; right?

MR. POLLERT:

Transfer an appropriation. You can't transfer a revenue.

P.O. TONNA:

Right.

LEG. BISHOP:

We can't go --

P.O. TONNA:

Right. Okay. Can we get an explanation on this?

MR. POLLERT:

What in effect you'd have to do is -- if you did this, you would have to have a companion part that creates the appropriation and transfers it over.

P.O. TONNA:

I would rather not worry about that right now.

LEG. BISHOP:

Is it going to yield \$800,000?

MR. POLLERT:

No.

P.O. TONNA:

Okay. Why don't we do this. Fred, can you explain what this does?

MR. POLLERT:

Yes. In the omnibus bill, there were increased revenues associated with a variety of fine increases proposed by the Health Commissioner. She had a 10% increase in fines. This would double the amount charged on fines.

P.O. TONNA:

Now is this -- is this a recommendation of yours?

MR. POLLERT:

No. This was a Legislative initiative.

P.O. TONNA:

What empirical base did you use to say we're going to increase fines?

LEG. BISHOP:

You need an empirical base?

P.O. TONNA:

Yeah, I mean, you know, I -- we could have filled the budget gap if I could say hey, let's just increase fines, you know, 58 million dollars. Just what was the -- what was the thinking?

LEG. COOPER:

I thought that it would be a appropriate rather than increasing fees, I thought it was more appropriate for us to double fines so that only those guilty of environmental violations would have to pay the bill.

P.O. TONNA:

Okay.

LEG. HALEY:

On the motion.

LEG. COOPER:

And rather than increasing the fines 10%, I thought we should go all the way and double the fines.

P.O. TONNA:

Is there need to be a -- piece of bill that's passed along with this? Is there -- you could do it administratively? We could just say the fine for a finding a toxin is \$10 dollars; now we want to make it a \$100. We could just do that at this process?

LEG. COOPER:

Mr. Chairman.

LEG. HALEY:

I think the Commissioner can make the -- can increase the fines. I stand corrected by counsel but --

MR. SABATINO:

There's a resolved clause in the resolution which has the implementation. Just like we did in the

omnibus, this bill has an implementing clause.

D.P.O. POSTAL:

Mr. Chairman.

P.O. TONNA:

Okay. Sorry. Just one more question. And the question that I have is that -- all right -- what environmental fines? What are we talking about here?

LEG. HALEY:

Yeah, specifics.

LEG. BISHOP:

we got to pick up the pace. You're right.

P.O. TONNA:

I mean you want to go down this road, we got to go down this road. What environmental fines? I mean is it --

LEG. COOPER:

There's a whole slew. There's a whole list of environmental fines. They would all be doubled. I believe there's a maximum limit of a thousand dollars.

LEG. HALEY:

Why don't we let Budge Review answer the question? I think they know.

MR. POLLERT:

Actually we can get the list of fines if you'd like.

LEG. CRECCA:

Let's pass over this.

P.O. TONNA:

All right.

D.P.O. POSTAL:

I have a question before we pass over it. Fred, can you tell me , if we were to increase this revenue by 806 thousand dollars, what impact would that have on the tax rate in the General fund?

MR. POLLERT:

[There|Their] would be a reduction of 806 thousand dollars. However, we would have to net out what the increase --

D.P.O. POSTAL:

Over the omnibus?

MR. POLLERT:

Right.

D.P.O. POSTAL:

But it would lower the General Fund further?

MR. POLLERT:

It, in fact, would, yes, that's correct.

D.P.O. POSTAL:

Thank you.

LEG. FOLEY:

Mr. Chairman, if I may? It would lower it below the zero. Mr. Chairman?

P.O. TONNA:

Yes. Wait. Legislator Haley; then Legislator Foley.

LEG. HALEY:

Commissioner of Health and I have been on the opposite sides of smoking issue as I have been with Foley. And I think that she is -- she is one of our very ardent proponents of the various functions that she provides. I think she does a good job. I think sometimes I don't always agree with her, but I think if she feels that she could effectively implement the programs of fines with a

10% increase, I think that's sufficient; just to go -- to double it or go up I think it's almost absurd without at least getting some input from her or at least getting an idea of what kinds of fines we're going to levy against what crimes. I mean you really have to take a better look at that, I think. Mr. Chairman, if you don't mind, I'll yield to Legislator Crecca.

LEG. CRECCA:

I'm just going to add, too, we don't -- you know, that is a good point. This does warrant probably further discussion. We could -- this doesn't have to be done today. This is something we can add later on, I would assume.

LEG. BISHOP:

Let's vote it down and move on.

LEG. COOPER:

Mr. Chairman, I just want to --

P.O. TONNA:

Wait, just wait. Legislator Foley's turn.

LEG. FOLEY:

Yeah.

P.O. TONNA:

I don't ever want to miss Legislator Foley.

LEG. FOLEY:

Thanks, Mr. Chairman. Fred, when we look at the property tax decrease by 806, is there another area where we could put the revenues besides this particular approach?

MR. POLLERT:

Right. What I had suggested is, if you don't want to decrease the tax warrant, you would create appropriations with this resolution. You are at this point below the expenditure cap. And use it in health centers or in smoking programs or in pay-as-you-go or whatever you want to.

LEG. FOLEY:

Okay.

P.O. TONNA:

Okay. So we've decided --

LEG. FOLEY:

How long would it take to make that change? Would we have to do that today?

MR. POLLERT:

You would have to do it today if you're going to vote on it or you would have to direct us to make the change just as you had in the previous resolutions and we would draft that.

P.O. TONNA:

Can't we do this in February the first time we have an opportunity to amend the budget.

MR. POLLERT:

Yes, you can.

P.O. TONNA:

All right. I think that's -- I'll leave it to Legislator Cooper.

MR. POLLERT:

No. What you can do is you can increase the fines but you cannot create appropriations. So what you can do is you can bring in the revenue, but you can't spend the revenue.

P.O. TONNA:

No, we don't want to -- maybe it can go to tax stabilization?

MR. POLLERT:

No, actually you can't increase appropriations.

P.O. TONNA:

Right.

MR. POLLERT:

You can't increase appropriations until all your revenues are in and that never happens.

P.O. TONNA:

Hold it one second. Just wait one second. Just wait one second Legislative Counsel.

MR. SABATINO:

I think you were talking apples and oranges. I think the Presiding Officer meant tax stabilization in today's amendment as opposed to doing it in the first quarter of next year.

P.O. TONNA:

No. He was -- I meant that with you. But I asked directly the other question. Okay. So Legislator Cooper.

LEG. COOPER:

I just wanted to respond to a comment made by another Legislator. We did work with the Health Commissioner on this and she was fully supportive of it.

P.O. TONNA:

Oh, she was?

LEG. COOPER:

Yes.

P.O. TONNA:

Oh, there you go. Okay.

LEG. FOLEY:

That goes back to my question. It's my understanding that the Commissioner can raise the fines, can raise fees by administrative fiat, so to speak. And there's not a need for us to approve or disapprove of an increase in fines.

P.O. TONNA:

Well, there is because of an appropriation he just said.

LEG. HALEY:

You can't appropriate it.

P.O. TONNA:

Well, if we pass this, we can.

MR. POLLERT:

Increase both the revenues and appropriate it and this is the time.

P.O. TONNA:

Right. Okay. So now it's a little clearer to me. Roll call.

LEG. FOLEY:

No, no, no. I think we have to -- Mr. Chairman, I think we have to work on where the revenues will be going.

P.O. TONNA:

Tax stabilization, I think, is the best place to go.

LEG. FOLEY:

Yeah, But you would have to hear from the sponsor of the bill as to what he would agree to.

P.O. TONNA:

How is tax stabilization?

LEG. COOPER:

That would be fine with me --

P.O. TONNA:

Putting it away for a rainy day.

LEG. COOPER:

A Listing of the fines, if anyone wants to see it I have it here.

P.O. TONNA:

Okay. Thank you.

LEG. HALEY:

I just want to look at it before I vote. Could we move on to the next and come back to this?

P.O. TONNA:

All right. We'll look at the next one and then we'll come back to this after that. Okay.

15D Reduce discretionary funding for medications \$87,780 by purchasing drugs in Canada. Legislator Fields?

LEG. FIELDS:

There's a correction on this. It should say **reduce discretionary funding for medications \$87,780 by purchasing drugs off Long Island.**

P.O. TONNA:

In Canada?

LEG. FIELDS:

Not in Canada. And that should read the same for 15M.

LEG. HALEY:

Say that again one more time, please.

LEG. FIELDS:

Just the last two words, instead of "In Canada", it should say "off Long Island."

P.O. TONNA:

Okay. What is -- could you explain this to me? I've never seen a resolution like this before. Does this have international impact?

LEG. BISHOP:

It's waiving local preference.

LEG. FIELDS:

We purchase drugs in the jail and in the health centers. And we have to have a contract to purchase them. And after I did the bill on comparisons of drugs, we found that there are huge discrepancies in the prices. So if we were able to shop this out and also buy in bulk with other groups and other -- even counties, we could probably save thousands, if not, you know --

P.O. TONNA:

Why aren't we buying this off the New York State bidder's list? We bid everything.

D.P.O. POSTAL:

That's for local --

P.O. TONNA:

Why isn't this on the New York State bidder's -- I mean we buy inoculations off the New York State, we buy leased cars. Well, let's not get into that.

LEG. FIELDS:

Well, this asks that we follow that.

P.O. TONNA:

No. I'm just asking Fred why would the local preference law relate to these medication and not be like we do almost everything else with New York State bidder's list?

MR. POLLERT:

Yes, in fact we do buy off the state contract. What the belief of the Legislator is, is that it would be less expensive if the County was, you know, could purchase from alternative sources.

P.O. TONNA:

Than the New York State bidder's list?

MR. POLLERT:

There were times that because a bidder's contract price is established for all counties -- just like we can occasionally buy computers for less expensive than off the state contract. So generally we use the State contract, but then we can negotiate savings below the State contracts. So all the computers we buy are actually below the State contract price.

P.O. TONNA:

How does this -- I know Legislator Bishop you have something to add.

LEG. BISHOP:

No. I just --

P.O. TONNA:

But how does saying off Long Island get us off the State bidder's contractor? You don't know.

MR. POLLERT:

No, I don't.

P.O. TONNA:

All right. Then could I ask you, Legislator Fields --

LEG. BISHOP:

I think, Legislator Tonna, that Legislator Fields has a companion resolution which waives the local preference with regard to the purchase of pharmaceuticals. And the theory is that pharmaceuticals, unlike other products, there's such a great variation between going elsewhere and buying locally, that it makes it worthwhile to suspend our local preference in that case.

P.O. TONNA:

The alternate wholesale price index?

LEG. FIELDS:

I also asked the Commissioner --

P.O. TONNA:

AWP.

LEG. BISHOP:

ABP.

LEG. FIELDS:

-- and she agreed that if she could waive that rule, that it would be cheaper.

P.O. TONNA:

This was a recommendation of hers?

LEG. FIELDS:

No. This was a --

LEG. BISHOP:

Actually, it was.

LEG. FIELDS:

It was -- no, it was during a hearing. And I asked her and she agreed entirely and said yes, it would be a good idea. And then I put in a resolution that would waive the Suffolk County --

P.O. TONNA:

Hold it a second. Legislator Nowick and then Postal.

LEG. NOWICK:

Just because I saw the word Canada, is it the intent of the sponsor to buy the drugs in Canada? Or is there any ruling that we can't go out of --

LEG. FIELDS:

I just said at the beginning that you have to take off the "in Canada" and put "off Long Island."

LEG. NOWICK:

No, no. Is there -- do you plan to go to Canada?

LEG. FIELDS:

No.

LEG. NOWICK:

Or do we plan to?

LEG. FIELDS:

No.

LEG. NOWICK:

We have to stay within the United States?

LEG. FIELDS:

Well, some of the rules of the FDA are that you cannot buy out of the country. So I didn't want to have to go through a whole legal problem and -- so this would allow us to buy within the confines of North America.

LEG. NOWICK:

Oh, good. Thank you.

D.P.O. POSTAL:

I had a question.

P.O. TONNA:

Yes. Legislator Postal.

D.P.O. POSTAL:

May I ask the Budget Review Office, what impact reducing this funding by \$87,780 have on the General fund?

MR. POLLERT:

It would basically have two impacts. Impact number one is, the way it's currently drafted, it would lower the warrant. The second impact would be is, if you cannot achieve the projected savings, you will be short in appropriations in that line item.

D.P.O. POSTAL:

Would it have any effect on the levy?

MR. POLLERT:

Yes, it would lower both the levy and the warrant by a like dollar amount.

D.P.O. POSTAL:

While I'm asking you, the next amendment, too, what would the impact be on the levy?

MR. POLLERT:

It would be a decrease of approximately \$30,000.

D.P.O. POSTAL:

Thank you.

LEG. FIELDS:

May I?

LEG. BISHOP:

Bring this to 5-25-5?

LEG. FIELDS:

Yes.

P.O. TONNA:

Okay. She's asking to put this into 5-25-5. Let's vote on 15D. There's a motion and a second. All in favor? Opposed?

LEG. BINDER:

Opposed.

P.O. TONNA:

Legislator Binder is opposed.

LEG. CRECCA:

Which number? Which one?

P.O. TONNA:

This is to buy off of Long Island.

MR. BARTON:

17 -1.

P.O. TONNA:

Great. **15M Reduce mandated funding for medications by \$37,188 purchasing drugs in Canada.** Motion? Yes, you want to also put this to 5-25-5? Motion and a second. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

I really wanted to be a game show host.

LEG. FOLEY:

Mr. Chairman? We can work that out.

MR. BARTON:

17, one opposed.

LEG. FOLEY:

Mr. Chairman, if we can go back to 14? If we can go back to 14, I have one question.

LEG. LINDSAY:

Yeah, you know what the game show's going to be? "Survivor".

LEG. TOWLE:

Whatever you need.

P.O. TONNA:

Okay, we're at 14 now. You have a question.

LEG. HALEY:

I have the information in front of me. Could you tell me are these fines not to exceed those amounts? Or are those the amounts, period? In other words -- I'll give you an example. Failure to test a tank right now is \$250. That would go to \$500. Would it be -- that's defined? Or up to \$500?

LEG. COOPER:

It doubles the existing fines.

LEG. HALEY:

I want to know if there's discretion on the part of the Health Department?

LEG. COOPER:

Well, if there's discretion right now, I would assume there would still be discretion.

LEG. HALEY:

They have discretion now?

LEG. COOPER:

No. I'm saying if they did, then --

LEG. BISHOP:

He doesn't know the answer. Do they --

MR. SABATINO:

Let me see the list because it will jog my memory.

P.O. TONNA:

What is a jog of the memory really? Is it like -- what is that?

LEG. HALEY:

It causes you to lose hair.

MR. SABATINO:

Let me just pull the book.

P.O. TONNA:

Let's check the drug list. Maybe I can work that out.

MR. SABATINO:

I think these are the -- I think they're "up to" but let me just pull the --

LEG. HALEY:

That's all I want to know because if you go through, there might be some --

P.O. TONNA:

We're not ready to vote on this. Let's go to 18. Okay. 18 -- I'm sorry. We're going to **16 Remove \$505,372 and abolish three positions in the Living Wage Unit.** Legislator Fields? Do you want to move this? You want to remove this money and put it into -- it's partial, partial.

LEG. BISHOP:

On the omnibus, we moved the positions to the Comptroller's Office.

P.O. TONNA:

Right, but she wants to still remove the administration.

LEG. FIELDS:

I'll withdraw.

P.O. TONNA:

You withdraw it. Okay. Withdrawal. Okay, **17 Remove \$106,973 and abolish vacant Chief Deputy Commissioner of Labor position.** Legislator Fields, you make a motion, seconded by Legislator Caracciolo. All in favor? Opposed? Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

The position's been vacant since January.

P.O. TONNA:

I know.

LEG. FIELDS:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

(Not Present)

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. BINDER:

Pass.

LEG. COOPER:

Pass.

D.P.O. POSTAL:

No.

P.O. TONNA:

Absolutely not.

LEG. CARPENTER:

Pass.

LEG. BINDER:

No.

LEG. COOPER:

No.

LEG. FIELDS:

Can we change that tax -- to put that money into -- amend the amendment to tax stabilization.

P.O. TONNA:

We're going to have to re-vote on this.

LEG. FOLEY:

Is that federal money or is that local money?

P.O. TONNA:

I'm making a local legal ruling, then, because you can't vote once. Michael's giving me a shake of the head. Hold it a second. Guys, if we're going to switch it --

LEG. CARACCILO:

You know why I shake my head, Paul? Because people here are such hypocrites. This is a position that's been vacant all year long. It saves over \$100,000.

P.O. TONNA:

I think you have the majority of people voting for this. I just want to make sure they're voting to get it into the --

LEG. FIELDS:

Change it to tax stabilization.

P.O. TONNA:

No. 5-25-5.

LEG. FIELDS:

I don't think you can. Can we put this in 5-25-5?

P.O. TONNA:

Yeah, you're removing.

LEG. FOLEY:

Is it local money or is it federal and state?

MR. POLLERT:

It's in the General fund.

P.O. TONNA:

So you can remove it, right? You can put it in 5-25-5.

LEG. FIELDS:

Okay, then, 5-25-5.

P.O. TONNA:

All right. Just one more time, please. How about this? All in favor?

MR. BARTON:

No, no, Mr. Chairman. I have a recorded vote for everyone. If they just tell me if they want to change their vote.

P.O. TONNA:

Okay. You have a vote for everybody.

MR. BARTON:

I did a roll call. I have everybody's vote.

LEG. BINDER:

I'll change.

P.O. TONNA:

You're going to change your vote?

D.P.O. POSTAL:

Henry, I was a no.

MR. BARTON:

Yes, you were.

D.P.O. POSTAL:

I'm now a yes.

LEG. CRECCA:

I would ask that we do a new roll call. Mr. Tonna, Mr. Presiding Officer, before the roll call is called, given the fact this has changed twice, I would ask that we void the roll call and do a new roll call because there's a new motion before the body.

P.O. TONNA:

Let's just do it. It doesn't matter. Let's just do it so nobody can say that we didn't know what we were voting for. Okay. This is to abolish a position and to take the cost savings from the abolishment of that position and to put it into 5-25-5. Okay? All right.

LEG. GULDI:

The word in English is not abolishment.

P.O. TONNA:

Remove. Abolish.

LEG. GULDI:

Abolition.

(Roll Called by Mr. Barton, Clerk)

LEG. FIELDS:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

No.

LEG. VILORIA-FISHER:

Wait. We're voting on 17 again? Oh. Oh, okay. Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

No.

P.O. TONNA:

What? 15?

MR. BARTON:

11.

P.O. TONNA:

11. All right. Yes. We go down to **20 Remove \$243,342 and abolish Sports and Recreation Division.** Legislator Fields and Caracciolo. This is to put into 5-25-5?

LEG. CARACCILO:

That's correct.

P.O. TONNA:

Okay. \$243,000 for the abolition.

LEG. BINDER:

Good. Good, very well said.

P.O. TONNA:

I had a dream. The abolition of Sports and Recreation Division. Okay. Roll call.

LEG. CARACAPPA:

Is there a motion?

P.O. TONNA:

There's a motion by Legislator Fields, seconded by Legislator Caracciolo.

LEG. BINDER:

On the motion.

LEG. CARACAPPA:

On the motion.

LEG. BISHOP:

I have a question about the division. I thought the division is one dude. There's more than one person.

LEG. CARACAPPA:

It's two and a secretary.

P.O. TONNA:

Yes.

LEG. CARACCIOLO:

They're the ones -- the two in the back over there with the red faces.

LEG. CARACAPPA:

Live bodies, I might add. Would you suffer an interruption, David?

LEG. BISHOP:

Yeah, sure.

D.P.O. CARACAPPA:

The Sports and Recreation Division, everyone knows, was created a couple of years ago, primarily to start working with groups that were coming in and purchasing land as acquisition partners with us under the Greenways Program. Granted that's been slowed because of the problems we face with purchasing land over the last year. Now that that's been cleared up, we anticipate to see many groups coming forward. I know in my district alone I have three that division is working with with relation to a Greenways acquisition and to do active parkland. I know Legislator Haley has one. Other Legislators -- Legislator Bishop. So the Division of Sports and Recreation is going to become a very important division over the next couple years, especially working in conjunction with the community groups that come to us as Legislators to work on Greenways and active parkland acquisition. So it will be very detrimental to that program if we eliminate this Division at this point in time.

LEG. CARACCIOLO:

Mr. Chairman?

P.O. TONNA:

Yes.

LEG. CARACCIOLO:

The voters of this County in 1998. It is 2002. This is a 2003 year budget proposal. This division has done little to nothing. It is a complete waste of taxpayer money. And it's time that the members of this body stood up and did what's right for the taxpayer. And if there's concern about two individuals, reassign them elsewhere in County government.

P.O. TONNA:

Okay. I goes I'm taking you as a neutral on this issue?

LEG. CARACCIOLO:

Not at all, not at all, not at all. Very consistent as Maxine said and I used in her campaign piece many years ago.

P.O. TONNA:

Okay.

LEG. CARACCIOLO:

Very consistent.

LEG. BISHOP:

What did you see? Bring that up at the party meeting.

D.P.O. POSTAL:

I should quote everybody.

LEG. CARACCIOLO:

No, it was a nice letter Maxine sent me that I used very effectively.

LEG. BISHOP:

She sent you a letter?

LEG. TOWLE:

What type of relationship do the two of you have?

P.O. TONNA:

What are we talking about here? Are we talking about sports and recreation?

LEG. CARACCIOLO:

We're talking about doing our jobs. We're talking about doing our jobs. And with all due respect to the individuals in the back of the auditorium, this has nothing to do with them and has everything to do about using manpower and personnel resources more efficiently. That's what this is about.

LEG. CARACAPPA:

Mr. Chairman?

P.O. TONNA:

Yes, Legislator Caracappa.

Leg. CARACAPPA:

I have to rebut that because maybe Legislator Caracciolo just has not called on the services of that office. My office has. Mr. {Loria} --

P.O. TONNA:

I'd like to hear this banter.

LEG. CARACAPPA:

Mr. {Loria} has been at functions throughout my district on many occasions when it comes to doing clinics and programs within the youth agencies that operate out of my district. Most recently he was at a wheelchair basketball event Hawkins Path Elementary School just a few nights ago working in conjunction with the Town of Brookhaven to expand that program, to bring it to a County level. He works closely with the Long Island Ducks Organization. I can go on and on and on. Sports clinics. You just have to call upon this office to see what they do. Unfortunately, you haven't, so you make it sound like they have done absolutely nothing, which is absolutely not the case.

LEG. CARACCIOLO:

All right now, if we really want to expose the record --

P.O. TONNA:

Why not? Wait. Just wait one second. Hold it a second. I want to take just a moment, just a moment for poetic interlude. Okay.

LEG. CARACCIOLO:

I said the record, Fred.

P.O. TONNA:

Okay. Counterpoint. Go right ahead.

LEG. CARACCIOLO:

I have for the two years that Peter Scully's been -- was Commissioner of Parks, requested time and time again information about the duties, responsibilities and work product of this division.

P.O. TONNA:

Right.

LEG. CARACCIOLO:

Never got it. Never got it. And as we all know, Peter is very responsive and responsible.

P.O. TONNA:

What did he say?

LEG. CARACCIOLO:

And off the record people will tell you that --

P.O. TONNA:

Wait, wait. Now we're going off the record. All right, all right. I just wanted to make sure.

LEG. CARACCIOLO:

I will make representations for Mr. Scully.

P.O. TONNA:

On off the record.

LEG. CARACCIOLO:

But I can tell you, there are many in County government that feel that this is a waste of money. I'm glad they're working in one Legislative district. I'd like to go around the horseshoe and see how many other people have had the benefit of these two individuals coming to their districts and run programs. Because they haven't been in mine.

P.O. TONNA:

Okay. Cameron, do you have something to add?

LEG. ALDEN:

I just want to point out that this division was actually almost single-handedly -- well, no, I have to give a lot more credit to Legislator Lindsay, but between Legislator Lindsay and this Division, they saved the actual Long Island Senior Games. So that's just something to take into consideration while you're voting on this.

P.O. TONNA:

Is that Legislator Lindsay because of those softball pictures that you had? Because I've seen those. With the wrist watch? Anyway, okay. Let's not talk about my hitting prowess at the softball game. I was 0 for 4. Anyway, all right, let's get a vote. There's a motion by Legislator Fields, seconded by -- no. There's a motion by Legislator Fields, seconded by Legislator Caracciolo. Roll call.

(Roll Called by Mr. Barton, Clerk)**LEG. FIELDS:**

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. CARACAPPA:

No.

LEG. VILORIA-FISHER:

Pass.

LEG. HALEY:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

D.P.O. POSTAL:

No.

P.O. TONNA:

No.

LEG. VILORIA-FISHER:

No.

MR. BARTON:

6.

P.O. TONNA:

Okay. Now we go to 21.

LEG. HALEY:

Can we go back to 14?

P.O. TONNA:

Sure, let's go to 14. Yes.

LEG. HALEY:

Just to repeat my question, is there discretion upon the Health Commissioner?

MR. SABATINO:

The answer is that the statute provides for an overall maximum of up to one thousand dollars. The list that you see is what the Commissioner has assigned to each of those particular classifications for fines. So this legislation adopted today would be doubling what she has set below the one thousand dollar limit. Just to repeat it, so the statute right now provides, you can go up to a maximum of a 1,000. What you see in front of you is what she's done within that \$1,000 discretion. She has --

LEG. HALEY:

All right, so what we're saying, what we're doing is we're saying --

MR. SABATINO:

This would take what she has --

LEG. HALEY:

What she's decided as her discretion and doubled it? I mean, I would love to ask her if that would be her discretion to, in fact, double every single fine. And in absence of that, I can't support this.

LEG. COOPER:

We happened to be in touch with Dr. Bradley's office and she is in support of the proposal.

LEG. LINDSAY:

Yes, I have a question.

LEG. FOLEY:

Put me on the list, too, please.

P.O. TONNA:

Okay. Hold it one second. First Lindsay.

LEG. LINDSAY:

The real important question, is there \$806,000 real money? I mean -- or is that the total that the funds are bringing, or is that an actual increase policy?

MR. POLLERT:

That would be an increase.

LEG. LINDSAY:

Based on last year's fines?

MR. POLLERT:

Right. But there was an increase in the Omnibus. So we'll have to net it out. So if there is no increase in the omnibus --

LEG. LINDSAY:

If this went down, there's still some increase as a result of the Omnibus.

MR. POLLERT:

That's right. It would be somewhere between --

LEG. LINDSAY:

So the 806,000 isn't on top of the increase in the Omnibus?

MR. POLLERT:

No, it is not. Well, technically it would be.

MR. SABATINO:

90% of this is probably -- quick math would be 90% of this. So it would be probably 720,000 because the Omnibus does 10%. So if this was going to 100%, that's jacking it by 90.

MR. POLLERT:

What we could do is, we could redraft the resolution, if we're redrafting it, to bring it so that there's not a 110% increase. Because this would be additive to whatever was in the Omnibus. So if this doubled the fines, it would now be the 10% in the Omnibus plus the 100% increase. So we can make it at 90% if you want.

LEG. HALEY:

Can you bring up that technicality? May I? There are fines. If most of the fines are up to a thousand, they're already existing fines of \$500. And if you added 10% to that and then you doubled it, you're beyond the statute.

LEG. LINDSAY:

No. They're --

LEG. GULDI:

Turn it.

LEG. HALEY:

He's going to modify it.

LEG. LINDSAY:

Right. Double the existing fines to the way it is.

MR. SABATINO:

But the cumulative impact cannot exceed the one thousand --

D.P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Yes. Legislator Cooper and I had a discussion on an amendment to the resolution directed

towards the issue of where would the monies go. Legislator Cooper could make the motion.

LEG. COOPER:

Right. I'd like to make a motion instead of using the funds, have them go to tax stabilization. I'd like to amend it so that the proceeds are spread evenly among the contract agencies health centers.

LEG. FOLEY:

Madam Chair, if I may, I will second that motion. And it would be distributed on a proportionate basis. As we all know the Omnibus did an excellent job of restoring the proposed cuts by the County Executive. What this will do, will enable the health centers to at least to a certain extent have some additional dollars to meet their expanding operating expenses that each of the health centers has incurred above and beyond this year's particular budget. As you know, there are cost to continue issues, operating expenses, additional labor costs. So the additional monies from these fines would help the -- particularly the community hospitals that have been partners with us for over 30 years to meet some of their additional expenses at the health centers that are not presently being met through the Omnibus resolution. It's a good --

LEG. BINDER:

Madam chair.

LEG. FOLEY:

I think it's a good place to place these particular additional revenues.

D.P.O. POSTAL:

Legislator Binder.

LEG. FOLEY:

Huntington Hospital, by the way.

D.P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

I just wanted to make sure that what Legislator Cooper meant and the outcome would be that it would be all the health centers. He said contracted health centers. And I'm concerned that --

obviously I'm concerned that it includes Dolan.

LEG. FOLEY:

It does. I think it --

LEG. BINDER:

Let me make sure that that's the understanding of Budget Review. So as long as Dolan's covered. They are?

MR. POLLERT:

Yes. Just to recap, rather than doubling the funds, we will have a 90% increase in fines. We would adjust the revenue accordingly and proportionately distribute it to contracted health centers including Dolan.

LEG. BINDER:

Let me ask about proportionately.

LEG. FOLEY:

Come on. That's the fairest way.

LEG. BINDER:

I don't know -- what do you mean proportionately? On what basis is that number going to be?

MR. POLLERT:

We would base it upon what was in the recommended budget or we could base it upon what was in Omnibus 1, whichever your preference is.

LEG. BINDER:

I'm not sure how the proportion would change between the two. So it would be hard for me to say what my preference would if I'm not sure how that --

MR. POLLERT:

Probably Omnibus 1.

LEG. BINDER:

Good Omnibus 1 sounds good.

D.P.O. POSTAL:

Okay. Is there a motion, Henry?

MR. BARTON:

Yes.

D.P.O. POSTAL:

There's a motion and a second?

MR. BARTON:

Second, yes.

LEG. FOLEY:

Just on the point, if it's --

LEG. COOPER:

Madam Chair, in case there's any remaining question, Dr. Bradley is sending her budget person over right now from across the street to confirm that she's fully in support of the proposal.

D.P.O. POSTAL:

I would imagine that she would be, but, you know, if you -- I think we could go straight to a roll call. I don't think --

LEG. FOLEY:

Yes, agree.

D.P.O. POSTAL:

-- there's a problem with doubting that.

LEG. FOLEY:

We can always reconsider it if for some unforeseen reason --

D.P.O. POSTAL:

If we find out that the Commissioner is opposed to this. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. GULDI:

Yes.

LEG. TOWLE:

Pass.

LEG. CARACAPPA:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Pass.

LEG. CRECCA:

Abstain.

LEG. NOWICK:

Yes.

LEG. BINDER:

Yes.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

(Not Present)

MR. BARTON:

Backup to the top.

LEG. CARACCILO:

Yes.

LEG. TOWLE:

Yep.

LEG. ALDEN:

Abstain.

LEG. CARPENTER:

Abstain.

P.O. TONNA:

(Not Present)

MR. BARTON:

12-2-3-1.

D.P.O. POSTAL:

Okay. **Budget Amendment 21, removing \$2,983,906 for Public Safety town revenue sharing in 2003.**

LEG. CRECCA:

Now we're getting to the real --

LEG. BISHOP:

Madam Chair?

LEG. CRECCA:

This is the real money.

D.P.O. POSTAL:

Yes.

LEG. BISHOP:

Could the sponsor tell me or Budget Review Office, I mean, what happens then, where does that money go, in other words the savings, where does it accrue to?

MR. POLLERT:

What specifically was the question? I'm sorry.

LEG. BISHOP:

If we -- if we don't do the revenue sharing, where does the money go?

MR. POLLERT:

If the revenue sharing is not done under Resolution Number 21, it would go to lower the Police District tax levy and warrant. The --

LEG. BISHOP:

Dollar for dollar.

MR. POLLERT:

Dollar for dollar.

LEG. BISHOP:

Okay.

D.P.O. POSTAL:

Legislator Nowick. Oh, I'm sorry. I thought you were finished.

LEG. BISHOP:

No. I'm going to ask the next logical question. How much would the levy be lowered?

MR. POLLERT:

And Robert, hopefully, has the answer.

LEG. BISHOP:

Didn't see this one coming, huh? Maybe the sponsor?

LEG. CRECCA:

\$2.9 million.

MR. LIPP:

Okay. As a result of this budget amending resolution, this, and including Resolution Number 1, which already passed, the General Fund property tax, the Police District --

LEG. CRECCA:

Police District.

MR. POLLERT:

Okay. He made a mistake. We'll get back to you in a second. But if you go to the fiscal impact statement, which is attached to it, there would be a decrease of approximately, roughly \$8 with respect to this resolution.

LEG. BISHOP:

The Police District, it would go down eight bucks.

MR. POLLERT:

The police -- right.

LEG. BISHOP:

And what is it now, roughly, using the same criteria, 60 bucks, 70 bucks --

P.O. TONNA:

Depends on which town.

LEG. BISHOP:

-- 300 bucks?

LEG. CARACCIOLO:

No. It was forty-four in Babylon. It would go down eight bucks.

MR. LIPP:

Okay. The impact is that the Police District would have increased by 5.1% in total, or \$17.86 million.

LEG. BISHOP:

An average house, do you have that --

MR. LIPP:

An average house --

LEG. BISHOP:

-- reading across there?

MR. LIPP:

-- will go up by \$32, which is half of 1% on the total tax bill, including schools, towns and special districts.

LEG. CRECCA:

Go up or down? You mean down.

LEG. GULDI:

No, no. Which one are you talking about?

MR. LIPP:

Up. The net result, after all --

LEG. BISHOP:

Police taxes go up \$32, as opposed to \$40 or --

LEG. GULDI:

No. I see.

MR. POLLERT:

Right, as opposed to --

LEG. CRECCA:

Oh, right, yeah, that's what I'm saying.

LEG. VILORIA-FISHER:

Right. Right, Andrew.

LEG. GULDI:

Are you done, David?

P.O. TONNA:

Are you done? Dave, are you done?

LEG. GULDI:

On the motion.

P.O. TONNA:

Okay. Hold it. No. There's Legislator Nowick, Legislator Postal, then Legislator Guldi.

MR. POLLERT:

So it would be -- so the answer is, currently, there's a \$39 increase, it would decrease to 32.

LEG. BISHOP:

Excellent. Thank you for your help.

LEG. NOWICK:

I have a twofold question, Fred. Number one, is this amount of two-million-nine divided equally between Riverhead and Nissequogue?

MR. POLLERT:

No. Actually, there are two components to it. The 2002 component, neither Riverhead nor Nissequogue can receive their town revenue sharing this year, because they are past the deadline to file their claims. So they've already lost those funds.

LEG. NOWICK:

But, if they -- all right. So that's their own fault, but --

P.O. TONNA:

Wait. Do you mean -- wait. We have money for them in this budget.

MR. POLLERT:

That's correct.

P.O. TONNA:

The villages fight for this money, towns fight for this money every year, and then the Town of Riverhead --

LEG. BISHOP:

Failed.

P.O. TONNA:

-- and the Town of Nissequogue --

LEG. BISHOP:

Chose not to file.

LEG. NOWICK:

Village.

LEG. CRECCA:

Village of Nissequogue.

P.O. TONNA:

Village, Village of Nissequogue decides not to appropriate the money?

MR. POLLERT:

They were generally chronically late. The Clerk of the Legislature sends out on average, I don't know, two --

MR. BARTON:

At least two notices and three or four follow-up phone calls.

P.O. TONNA:

I mean, is this is a -- is this a theme --

MR. BARTON:

And I always contact the Legislators.

P.O. TONNA:

-- with Riverhead and Nissequogue, that they just -- they don't care about this money?

MR. POLLERT:

Well, it happens across --

MR. BARTON:

It's across the board.

MR. POLLERT:

-- all the towns and villages. If --

LEG. BISHOP:

How much did Riverhead lose?

MR. BARTON:

A half a million dollars.

MR. POLLERT:

So \$533,000.

LEG. BISHOP:

A half a million dollars?

P.O. TONNA:

They lost a half a million dollars in --

MR. POLLERT:

That's despite --

P.O. TONNA:

-- County sharing.

MR. POLLERT:

That's despite repeated phone calls from the Clerk, as well as follow-up letters.

LEG. NOWICK:

How much did Nissequogue lose?

LEG. CARACCIOLO:

Mr. Chairman, if I might, I have a question for Counsel and the Clerk.

LEG. CRECCA:

That's a campaign issue, Mike.

LEG. NOWICK:

You know, I just wasn't finished yet.

LEG. CARACCIOLO:

Oh, I'm sorry, Lynne.

LEG. NOWICK:

I'm sorry. How much did Nissequogue lose?

P.O. TONNA:

Hold it. Hold it. Guys, wait.

LEG. VILORIA-FISHER:

Let her finish her question.

P.O. TONNA:

Just wait one second.

LEG. CRECCA:

Order in the court.

P.O. TONNA:

Wait.

MR. POLLERT:

The loss in the Village of Nissequogue this year is \$36,570.

LEG. NOWICK:

That's what they lost. And if this is taken away -- well, it doesn't matter, because their taxes, they never collected it.

MR. POLLERT:

So what they would do --

P.O. TONNA:

Right, they don't --

MR. POLLERT:

-- is they had lost that amount of money this year, because they didn't file. What the resolution does is it also reduces town revenue sharing for next year, and next year they would lose another 36,000, assuming that they were timely in their filing.

P.O. TONNA:

If that's -- if they were timely.

LEG. NOWICK:

It's nice to be wealthy.

MR. BARTON:

I think this needs just a little bit of clarification.

P.O. TONNA:

Please.

MR. BARTON:

They don't actually file for the funding for the current year. They report to us how they spent the previous year's allocation. And, in most cases, they just simply send us a letter which indicates they had additional police officers on holiday weekends, or they bought guns or cars, however they spent those funds. But every year I spend a lot of time trying to track down these --

especially, with the villages, because they're small and their officials turnover pretty regularly.

P.O. TONNA:

Do they?

MR. BARTON:

And we go through it every year, and it takes months to get these reports in order.

P.O. TONNA:

And Riverhead --

MR. BARTON:

Has yet to file this year for last year's expenditure.

P.O. TONNA:

And they've reached the point of no return; there's a cutoff date of --

MR. POLLERT:

Yes.

MR. BARTON:

March 31st.

P.O. TONNA:

March 31st, 2002.

MR. BARTON:

Two for the previous years expenditure.

P.O. TONNA:

Right. So you called --

MR. BARTON:

Many of them --

P.O. TONNA:

-- January, February.

MR. BARTON:

A letter goes out in January.

P.O. TONNA:

Now after March, did you call them? No.

MR. BARTON:

Yes, yes.

P.O. TONNA:

Now why?

MR. BARTON:

Because I try to get it in order. You passed a law last year or the year before giving them an opportunity to get things in order, and every year, I work with the Budget Office and sometimes --

P.O. TONNA:

Was that a one time year exemption?

MR. BARTON:

Yes, that's the way I read it to be.

P.O. TONNA:

And when did that -- when did that expire?

MR. BARTON:

Last year we got them all in order.

P.O. TONNA:

We got them all in order in 2001.

MR. BARTON:

Correct. Correct.

P.O. TONNA:

So 2002, Riverhead --

MR. BARTON:

Never --

P.O. TONNA:

-- who was not in order in 2001.

MR. BARTON:

Correct.

P.O. TONNA:

Then 2002 comes, they're not in order again.

MR. BARTON:

No, no. 2001 they were in order, finally, we got everything done.

P.O. TONNA:

Right, right, because of the law.

MR. BARTON:

Yes. I sent them certified copies of the laws. I sent them follow-up letters. The Budget Office contacted them. I sent them a repeat letter and I also called. I sent notices to the Police Chiefs, just in case --

P.O. TONNA:

The Police Chiefs?

MR. BARTON:

-- the Supervisors and the budget offices were ignoring them. It becomes ridiculous to give

people money, they can't respond. They won't respond.

LEG. CARPENTER:

Can we charge administrative fees for all it takes us to give them this money?

P.O. TONNA:

Well just -- I just want to get -- because this almost seems surreal. I mean, you're telling me the Town of Riverhead has an opportunity to receive five hundred --

MR. BARTON:

Thirty-eight thousand dollars

P.O. TONNA:

-- thousand dollars. I'm certain they've already spent it.

LEG. GULDI:

It's in their budget.

MR. BARTON:

It's in their budget.

P.O. TONNA:

It's in their budget.

MR. BARTON:

Absolutely.

P.O. TONNA:

They've spent it. They don't file for the work.

MR. BARTON:

They feel --

P.O. TONNA:

Even if they file today and they say --

MR. BARTON:

They feel --

P.O. TONNA:

-- Henry Barton, "King of Notification," what -- is there any mechanism at all that can happen to give them that money?

MR. POLLERT:

Yes.

MR. BARTON:

I didn't feel it should sit on my desk, but I just kept sending them letters.

P.O. TONNA:

Now, does it sit -- what part of your desk does it sit on?

MR. BARTON:

In that pile right to the right.

P.O. TONNA:

Could you -- yes.

MR. POLLERT:

Yes, he -- clearly, payments could be made by the Comptroller and authorized by the Budget Office, but it would be in violation of the law that established the --

P.O. TONNA:

They would break the law to get the money.

MR. POLLERT:

It's possible -- well, your question to me is whether or not it's possible they could ever get paid. It's conceivable that somebody could process payment to them, even -- the Clerk of the Legislature sends out the notification. I don't believe you have this --

P.O. TONNA:

This is very important, I want to hear this.

MR. POLLERT:

I do not believe that the Clerk of the Legislature has to sign the voucher. Someone else signs the voucher, so somebody else could authorize payment, even though they're in violation of law.

P.O. TONNA:

Is it somebody in the Legislative Department that signs this voucher?

MR. BARTON:

No, no, no, not at all.

P.O. TONNA:

It's not my Chief of Staff.

MR. BARTON:

The Budget Office. No.

P.O. TONNA:

Because he's not signing this.

MR. BARTON:

But let's -- I want to clarify it a little bit further, and --

P.O. TONNA:

It's not Ron Cohen, right?

MR. BARTON:

-- Paul, if I misspeak, please --

P.O. TONNA:

Yeah.

MR. BARTON:

Please stop me. I send out these notices as a courtesy. The law said that they were to send it to the Budget Office and the -- through the County Executive, and to contact the Legislature. And then, as a courtesy, I was making copies of them available to Legislators, and I sent you notices, which indicated which municipalities had responded each year. But we're under no obligation to inform them.

P.O. TONNA:

Right.

MR. BARTON:

We gave them copies of the certified laws as they changed since 1995. They feel it's mandated, that you've set this in place through some deal that took place with sales tax years ago, and they really feel that you just -- you've obligated yourselves to it.

LEG. CARPENTER:

Paul.

P.O. TONNA:

But they have an haven't obligated themselves to the mechanism, the paperwork mechanism.

MR. BARTON:

Paul, you deal different people every year.

P.O. TONNA:

Is Riverhead -- have you talked to anybody in Riverhead?

MR. BARTON:

Yes. Yes, we've called.

P.O. TONNA:

Okay. What did they say?

MR. BARTON:

"We'll get back to you, " "Send us a copy, " "What did we send you last year?" Every time an administration change, we've got at least two villages --

P.O. TONNA:

How high on the ladder did you get? Because we know Dave Bishop went over the County Executive's ladder. An Assistant County Executive is a very powerful position, so we found. But what about in the Town? Who in Riverhead did you speak to?

MR. BARTON:

I didn't -- I didn't speak --

LEG. BISHOP:

The Democrats filed and the Republicans can't get it together, even after seven calls from Henry Barton. I'm sorry, Joe, that's partisan.

P.O. TONNA:

Okay.

MR. BARTON:

I didn't seek to the Supervisor. I'd have to look back at the phone log. We did address the letter to the Supervisor. Yeah, we do the best we can. We're just -- it's a courtesy.

P.O. TONNA:

Okay. And, Fred, has there ever been a time -- has there ever been a time, and this speaks to the merits of this resolution, has there ever been a time where after a November budget vote that they have processed the paperwork, got paid and everything else?

LEG. GULDI:

Oh, yeah.

MR. POLLERT:

Yes.

LEG. GULDI:

For years.

LEG. CARPENTER:

Mr. Chairman.

MR. POLLERT:

We have highlighted in the past that payments were made in violation of Legislative resolutions for a number of years.

P.O. TONNA:

And we have never sued them about it, or anything else like that?

MR. POLLERT:

No. We just highlight it in our report, as we did this year, with respect to both Riverhead and Nissequogue. I would imagine, if this didn't show up, someone somewhere would probably process payment.

MR. BARTON:

It's my understanding that, typically, they get paid in December.

P.O. TONNA:

You can't process it after January 1st, though, or can we do it up to March?

MR. POLLERT:

They could probably do it through March.

P.O. TONNA:

Wow.

MR. BARTON:

And the villages run on different fiscal year. In fact, a couple of years ago, we actually even found a village that didn't have a police department that was getting the money.

P.O. TONNA:

Okay.

D.P.O. POSTAL:

I have a question.

P.O. TONNA:

All right.

MR. BARTON:

It was the Village of North Haven.

LEG. HALEY:

On the motion.

D.P.O. POSTAL:

I'm next.

P.O. TONNA:

Wait. There's --

D.P.O. POSTAL:

There's a list.

P.O. TONNA:

-- Postal, Guldi, Caracciolo, Haley, Carpenter.

D.P.O. POSTAL:

I was just listening to what you were saying, and Riverhead, Riverhead's portion of the revenue sharing you said was approximately half a million dollars. So if we're removing half a million for -- reducing 2002 by a half a million, eliminating half a million for 2003, that's a million, approximately. And then Nissequogue, you said 38, 39, something like that.

MR. POLLERT:

Roughly 36, and 36 --

D.P.O. POSTAL:

Okay. How do we get to 2,900,000?

MR. POLLERT:

Because it's eliminating it for all the towns and villages in 2003.

D.P.O. POSTAL:

Oh, I see. Okay. Then I have -- I have a few other comments.

LEG. GULDI:

Yeah, you got that.

D.P.O. POSTAL:

That's what -- that's what I was afraid of.

LEG. GULDI:

See how that worked?

D.P.O. POSTAL:

When -- first of all, when the sales tax was increased, and I think this was probably -- Paul, probably remembers it --

LEG. GULDI:

1992.

D.P.O. POSTAL:

-- back in 1992, there was a great deal of difficulty getting ten Legislators to support increasing the sales tax, as I'm sure you could imagine there might be. And there was an agreement that a portion of the sales tax would be shared with each of the towns and villages which had their own police departments, and the rationale -- in the same proportion, by the way, that sales tax revenue went to the Police District, it would go to these towns and villages which had their own police departments. The rationale was, as I think one of the Mayors said this morning, that the residents of those towns and villages pay the sales tax, too. So that it's just -- it's fair and it's logical that they should share in the revenue sharing, since they're contributing to the money that's collected. To now change the rules of the game is, first of all, terribly unfair.

Secondly, this is like -- we just thought about doing this with the Board of Elections. To do something like this and force taxpayers to pay out of their right pocket instead of their left pocket makes no sense. The only thing it does is to make us look better, to give us some more money to play around with, but it's not fair. The agreement was -- and, certainly, any Legislature can change something that was agreed to in the past, but if the residents of these towns and villages are paying that increased sales tax, then they deserve to share in the revenue that should go for public safety. And Legislator Guldi.

LEG. GULDI:

Yeah. Budget Review, you were asked a series of questions before. And, Legislator Postal, I wanted to thank you for picking up the fact that this isn't just Nissequogue and Riverhead, but it's all the towns and villages, and that, in fact, the reimbursement rate, the allocation back to the towns and villages isn't fair. It isn't fair at all, because the formula was devised on a basis of giving those areas and those communities back half of the revenue they are paying into tax and pouring the rest through to subsidize the Police District. That the question to reverse that result would not only be the reneging on a previously agreed transaction, but it would also be a total rip-off of taking and sales-taxing the non-Police District towns and villages, and taking 100% of the sales tax out of those communities to subsidize the Police District. So not only -- it would be walking away from our commitment and totally unfair.

But the questions I have for Budget Review that nobody wanted to talk about, well, we did a great deal of analysis of the impact on the Police District. What happens to the Villages of Amityville, and Westhampton, and Sag Harbor, and Greenport, who -- or the towns on the East End who have already budgeted this revenue, which -- because it's been promised to them in their budgets, and what does the shortfall in revenue and the property tax impact increase on those districts or those nonpolice districts that are paying this tax already and only getting back a fraction of the amount they're paying?

MR. POLLERT:

It would really be presumptuous on their part to include it in the budget, because that amount fluctuates each and every year. For instance, if the County decided not to do a transfer of sales tax to the Police District, there would be no basis to do town revenue sharing. So a number of years ago, the town -- the sales tax transfer was very high. It has now been reduced to \$16.5 million. Proportionately, they're receiving more of the sales tax going to the Police District than

they have ever before. But if the County didn't do any contributions, and part of my budget model was to cut out the sales tax transfer, there would be no basis to do town revenue sharing. If they have included it, then the budgetary impact would be dollar for dollar. Every dollar they lose, they'd have to make up through property taxes.

LEG. GULDI:

So, for every -- so, consequently, ultimately, every dollar that comes off of the tax warrant for Suffolk County is going to have to go on the tax warrant in the villages and towns that are not going to receive this police revenue. It's truly a zero sum game.

MR. POLLERT:

As long as we have sales tax supporting the Police District, you're correct.

LEG. GULDI:

Okay. And how long do we have sales tax police -- supporting the Police District --

MR. POLLERT:

Since --

LEG. GULDI:

And what percentage of sales tax is that?

MR. POLLERT:

It is relatively small. It used to be higher. It's now down to \$16.5 million. In the previous years, it was substantially higher.

LEG. GULDI:

So, of the \$16.5 million, I know that it's been extremely difficult to figure out where the taxes and sales tax come from because of the reporting requirements. But we have from time to time used the rough rubric of property tax formulas to estimate sales tax. From the non-Police District portions of the County, what portion of property tax and on that presumption that I just laid out, sales tax, comes from these communities? Isn't it about 25%?

MR. POLLERT:

Yes. But last year, they received 80% of the revenues. We only transferred in \$5 million of sales

tax and they got three of it.

LEG. GULDI:

We transferred in 5 million of sales tax from that eighth penny?

MR. POLLERT:

Yes, to the Police District. This year it's up --

LEG. GULDI:

Where did we leave the rest of it?

MR. POLLERT:

In the General Fund.

LEG. GULDI:

All right. So we left it in the General Fund, but we collected it under the police tax, didn't we?

MR. POLLERT:

No. It's a General Fund sales tax charge. The only requirement in the State enabling legislation was that a portion of it could be used for public safety, but we got the Sheriff and the D.A. and Medical Examiner and FRES, all public safety functions in the General Fund. Last year, because we were balancing things out, only \$5 million went to the Police District, and then we transferred 2 1/2 or \$3 million to the towns and villages, not in the Police District, so they received about 80% of all the sales tax revenues that went to the Police District.

LEG. GULDI:

Yeah, but don't we have the discretion to transfer that whole \$16.5 million into the Police District?

MR. POLLERT:

You could transfer probably 30 or \$40 million, you know, underneath the requirements of the law, but every dollar you transfer in increases --

LEG. GULDI:

The General Fund.

MR. POLLERT:

-- the General Fund by a like amount.

LEG. GULDI:

Yeah, but that would be -- at least those dollars would be dollar for dollar from our General Fund to our Police District Fund. Here, what we're proposing is to take the dollars out of our tax warrant and put them in the towns and village tax warrants in those communities that are paying the sales tax. That sales tax that's going -- that we are collecting and putting either in our General Fund or Police District Fund is being paid by -- in these communities, is it not?

MR. POLLERT:

It is, and that's part of the reason I had said is, as long as you're doing sales tax contributions to the Police District and not keeping all the sales tax in the General Fund, there is a justification for doing the town revenue sharing. If you didn't have a contribution to the Police District, then there's no basis to do town revenue sharing.

LEG. GULDI:

Except that to the extent that we carry Headquarters and some of our police functions in the General Fund.

MR. POLLERT:

But you're paying for it with sales tax in the General Fund.

LEG. GULDI:

Okay.

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

Legislative Counsel, would you be kind enough to draft a letter to the Town of Riverhead informing them of their delinquency in not meeting this year's statutory requirements for reimbursement, or not reimbursement, but for the receipt of revenue sharing funds for public safety? And point out all of the statutory obligations that they have in obtaining receipt of those

funds.

Fred, based on your earlier explanation, it would not be too late for the Town, even at this late date, to submit a request, Town of Riverhead, for the 2002?

MR. POLLERT:

They could submit it, but it would be improper to process the payment.

LEG. CARACCIOLO:

But, as you also stated in the past, the Comptroller has processed payments beyond deadlines.

MR. POLLERT:

Someone has authorized that payment to be made. It would be in violation of adopted legislation to do so.

LEG. CARACCIOLO:

Okay. The question I have for Counsel then is, in my role as a County Legislator, do I, as an advocate for someone who would want to see the residents of the Town receive this funding, which they, like every other resident and every other town and village, are entitled to, be it for the neglect of their town officials in meeting our requirements, where can I go in terms of trying to assist the Town, without violating my public trust or responsibility to the other residents in the other three towns I represent, where can I go with that?

MR. SABATINO:

Well, you can't. I mean, in fairness to you, you sponsored the legislation in the Year 2000, which gave the towns and villages who were absolutely, you know, totally unwilling to comply with the original legislation of 1995 and you gave them a grace period, but you toughened up the legislation and made it very, very clear that it had to be for public safety purposes. And, also, you put in the penalty provision that we keep the money and, in fact, you can take it as an offset against future contributions, because the idea was to avoid the need for litigation. So, in all honesty, there should be deductions and offsets against future payments pursuant to the legislation. To facilitate or to assist somebody in violating these statutes would -- you know, it would really be -- it would misfeasance in office. So there really is no place to go other than to tell them the truth, which is they've got to give us back the money, or they're not going to get it in the future, we'll take it as an offset, and that avoids litigation.

LEG. CARACCIOLO:

So, if the Comptroller goes ahead and makes a payment for 2002, he's in violation of the law.

MR. SABATINO:

Absolutely. This is serious stuff. You're taking taxpayer money and giving it to people in violation of law. It's serious.

LEG. CARACCIOLO:

And I in no way should -- I in no way should try to facilitate the payment --

MR. SABATINO:

Absolutely not.

LEG. CARACCIOLO:

-- because then I would be --

MR. SABATINO:

Absolutely not. It would be a complete and total violation of your fiduciary duties and responsibilities.

LEG. VILORIA-FISHER:

You'd be an accessory.

D.P.O. POSTAL:

All right. Mike, are you finished?

LEG. CARACCIOLO:

Thank you.

D.P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

Should we not be sending a communication to the Division of Audit and Control making sure that a payment does not get made? Once they've past the date of filing the appropriate documents and they haven't done it, shouldn't the auditor be notified so that they don't inadvertently pay them, so that we don't have to worry about trying to get the money back?

MR. SABATINO:

I hear your point, it's a point well taken. It's just that Mr. Barton before was correct when he stated that he's really -- I mean, he's doing more than he's required to do, you know.

LEG. CARPENTER:

Oh, absolutely. I'm not -- I'm not disagreeing.

MR. SABATINO:

You know, from the -- I mean, from a Legislative perspective, it's -- the last legislation basically assigned the responsibility to the County Executive, the County Comptroller, you know, the Clerk and Budget Review with -- I mean, so many letters have gone out. It's not a problem sending a letter, but it's almost --

MR. BARTON:

A couple --

MR. SABATINO:

You know, it's almost -- it's almost like we're now going to be managing, you know, the Comptroller's Office.

MR. BARTON:

Yeah. A couple of years ago, when I had discovered that North Haven didn't have a police department and they were paying the Village of Sag Harbor for their fire protection, I contacted the Budget Office and they held the check. The Budget Office I think was distributing the payments, and they typically go out in December at the end of the year for cash reasons, I was told, so there is time to stop them.

MR. SABATINO:

The answer is yes, we can send a letter, it's just that I don't want to be -- I don't want you to be accused of now you're -- you know, you're interfering with the Comptroller's Office.

LEG. CARPENTER:

Well, I think we just --

MR. BARTON:

The Budget Office does have a copy of all the reports and they are aware of the law. We talk about it each spring.

LEG. HALEY:

It's the Comptroller's problem.

LEG. CARPENTER:

Well, it becomes everyone's problem, though, if the payment goes out and then the municipality has that money in hand and now you -- and they have it illegal. They shouldn't have it.

LEG. HALEY:

The question is whether or not you're going to vote for this resolution.

D.P.O. POSTAL:

Could we avoid discussion? Are you finished, Angie.

LEG. CARPENTER:

Yeah. I guess this is something we could ask the Finance Committee to take up.

LEG. GULDI:

On the motion.

D.P.O. POSTAL:

Wait. There's a list.

LEG. GULDI:

Yeah. Put me back on the list. I have an --

D.P.O. POSTAL:

Okay. Legislator Alden.

LEG. ALDEN:

I'm going to ask Budget Review and I'm also going to ask Legislative Counsel, Paul Sabatino, are you aware of any specific instances in the past where the checks have been cut in violation of this law?

MR. SPERO:

Again, it's been stated that has been done, but I'm not personally aware of what the circumstances were or the specific instances --

LEG. ALDEN:

Okay.

MR. SPERO:

-- in which it was done.

LEG. ALDEN:

But you do know of instances where it has been done. You don't know what the circumstances were, but you know where the Comptroller has actually cut their check and sent it out there?

MR. SPERO:

Again, you know, Fred stated that has been done. I'm not personally aware of it.

LEG. ALDEN:

Okay. Paul Sabatino?

MR. SABATINO:

Well, we know it was done prior to Legislator Caracciolo's resolution in the Year 2000, because we kept getting the reports from the Clerk's Office after the 1995 legislation was adopted. So sometime between 1995 and the time that Legislator Caracciolo took action in the Year 2000, you know, payments were clearly made. But, you know, in fairness, too, the Legislature's at fault, because even though this was brought to the attention, you know, on a repeated basis, we continued to provide the funding.

MR. BARTON:

Yeah. It has not happened -- if I could answer. It has not happened since the 2000 legislation. Everyone caught up in 2000, and on March 28th, 2001, I sent a memo to all Legislators that the 19 eligible jurisdictions had filed their reports.

LEG. ALDEN:

Okay.

MR. BARTON:

So they were all in compliance last year. This year, we have two that are outstanding. And if you look at the dates, there were a couple that were received, one, two, that looked -- they appear to be late, but that just might mean that I got the copy from the Budget Office then, because right after March 31st, I checked --

LEG. ALDEN:

But prior to --

MR. BARTON:

-- on what they had as compared to what I had.

LEG. ALDEN:

Prior to Legislator Caracciolo's, you know, toughening of that law, Paul, was it still a violation of the law.

MR. SABATINO:

Yes. Legislator Blass had the original legislation right at the beginning of the program. What Legislator Caracciolo did was he provided them with one more opportunity to basically get to clean up their prior record of noncompliance, and then put in a different -- a different time line and a little tighter standard on the eligibility.

LEG. ALDEN:

Thank you.

D.P.O. POSTAL:

Okay. There are -- I'm sorry. There are two different issues here. The issue of municipalities

which have not filed the required reports is one issue. And it seems to me that if we want to deal with that, we certainly can, but we shouldn't combine that with the other issue of abolishing or eliminating revenue sharing for those municipalities we have and should be revenue-sharing with, because that was the basis for the original agreement by which Legislators agreed to support the increase in the sales tax.

You know, I've been critical of the recommended budget that the County Executive gave us, but I have to say he honored his commitment. In that budget, he put in the money for revenue sharing that we had agreed to and we have abided by all of these years, eleven years I guess now. So if we now break our word, then I think we're as guilty of not honoring our commitment as we say he was in not honoring his commitment to Cornell Cooperative Extension or not honoring his commitment to Family Service League. So I just think that it's dishonest to end revenue sharing. If we want to do something with regard those municipalities who have not complied with the law and have not filed their reports, that's another issue.

P.O. TONNA:

Maxine, the only problem is, is that whatever commitments were made was way before I was ever a Legislator. I've never made -- I've never made a commitment to town revenue sharing. I don't know. You know, my district was represented by Jim Gaughran, by Sondra Bachety. You know, I have no idea what that --

D.P.O. POSTAL:

I represented part of it.

P.O. TONNA:

You represented part of my district. So for West Hills, for the Village of West Hills -- oh, there is no village. But, besides that --

LEG. GULDI:

How did he get on the list ahead of the people already on it?

P.O. TONNA:

Anyway, I'm just saying I didn't -- you know, I didn't make a commitment.

D.P.O. POSTAL:

He's the Presiding Officer, he makes the rules.

P.O. TONNA:

No, no, that's not fair. I'm sorry. I thought we were done, that's why.

D.P.O. POSTAL:

No, no, we're not done.

LEG. GULDI:

Yeah. I think that Legislator Postal has touched on a point I wanted to bring out and that is that the payments --

D.P.O. POSTAL:

And you're the first.

LEG. GULDI:

Yeah, I know that. The payments to Nissequogue and Riverhead for noncompliance are a separate and distinct issue. They would be unlawful and they don't belong with the question of taxing the non-Police District areas and giving them back zero, instead of giving them back half of what they're contributing.

The point I did want to make is that, yes, it happened before many of us were elected. It happened in 1992 -- two, three. My predecessor, who was one of the people who voted for this sales tax, who I made sure I was informed about the commitments he made and received for voting for that sales tax to -- for the one-eighth distribution of the revenue under this police sales tax increase, so --

LEG. TOWLE:

Isn't that sales tax the issue you used to beat him with?

P.O. TONNA:

Right.

LEG. GULDI:

No, no.

P.O. TONNA:

Wasn't that the same issue that you used to defeat him?

LEG. GULDI:

No. The tax I used -- no, no. The tax I used to beat him on was the hotel/motel tax. That was the other one.

P.O. TONNA:

Oh, okay.

LEG. GULDI:

This one they waited for late, right after the election.

P.O. TONNA:

Okay. Who's next.

D.P.O. POSTAL:

There's nobody else on the list.

P.O. TONNA:

That's it.

LEG. LINDSAY:

I had wanted to say --

P.O. TONNA:

Legislator Lindsay. And then, all Legislators, please come to the horseshoe for a vote on this critical issue.

LEG. GULDI:

We don't need them for this one.

LEG. LINDSAY:

Just a final word on this. You know, in all due respect, it was said that everybody across the

County pays the sales tax, and if you're not in the Police District, you don't get anything back for it, but that isn't true. You do get services from the County police force in Aviation, Detective Service, Marine service, and a lot of others.

LEG. GULDI:

Yeah, but that's -- may I reply? Bill, those nonresident -- those nonresidents of the Police District contribute to the General Fund with their share of property taxes and with all of the other sales taxes that they pay. This quarter penny, or it was an eighth penny and an eighth penny done in two separate years, if I remember, is dedicated to police purposes, and we, the County, have the discretion to put it either into General Fund or Police District funds. But in either case, it is a -- that to the extent that we are taxing for police purposes under that quarter penny, those communities, and giving -- not giving them back revenue sharing, we're not only breaching a commitment, but we're taxing and giving back zero, because there are other contributions within the General Fund.

P.O. TONNA:

I think it was public safety, not police issues, because in public safety, there are Sheriff issues, there's jail issues, it's all of that stuff.

LEG. GULDI:

Public safety is what I meant.

P.O. TONNA:

Okay. Legislator Caracciolo, and then we're going to go to our roll call.

LEG. CARACCIOLO:

Thank you. Mr. Chairman, I just want to echo Legislator Postal's remarks with regard to commitment. In fact, I believe it was in 1999 when the County Executive proposed a budget for 2000 that excluded town revenue sharing for public safety. What happened? This Legislature almost unanimously restored those cuts. At that time, it was about \$2 million. Now this bill reflects 2.9 million, because it includes the 2002 funds for Nissequogue and Riverhead.

I'd like to suggest that the sponsors of this resolution, if you are intent on proceeding and breaking the faith, if you will, with the towns and villages, that, certainly, you know, I guess understandable from your perspective, since you don't have these entities within your Legislative

districts. For those of us who do, obviously, we're not going to support this resolution. But, at the very minimum, at least bifurcate and take out of the resolution the penalty for those jurisdictions who are answerable to their constituents as to why they did not comply in a timely fashion, why they are going to lose half a million dollars funding in one instance and several thousand dollars funding in the other, and just separate the two and maybe make a separate resolution, 21A, for the 2002 funds.

LEG. CARACAPPA:

Roll call. Roll call.

P.O. TONNA:

Wait. Can we do that? Can we do that?

MR. SPERO:

You can split them in two.

P.O. TONNA:

Michael, with all due respect, as one of the sponsors, I really don't want to do that. I thought about it.

LEG. CARACCIOLO:

Well, I think I would appreciate it if it were done that way.

P.O. TONNA:

Would you vote for one of them? That's my point. I mean, I think the people who are going to vote --

LEG. CARACCIOLO:

No. How could anyone who represents a community that's had the benefit --

P.O. TONNA:

I understand that.

LEG. CARACCIOLO:

-- of something that Legislator Jones, when he was a Legislator, and I fought very hard to

implement in 1993 and then, subsequently --

D.P.O. POSTAL:

Mr. Chairman, put me on.

LEG. CARACCILOLO:

-- this Legislature has demonstrated time and time again its overwhelming support for this program?

P.O. TONNA:

Right. But this is my -- my point to you, Legislator Caracciolo, and I understand that, I think it's very logical what you say, is that I think, generally, the people who would vote for one of these, if we split it, would vote for both, that's my point.

LEG. CARACCILOLO:

Well, let's find out.

D.P.O. POSTAL:

Mr. Chairman.

LEG. CARACCILOLO:

I mean, what harm is there --

LEG. LINDSAY:

But why do we need a separate resolution? If they didn't fill out the paperwork, why do we need a resolution not to pay them at all?

D.P.O. POSTAL:

Well, we're taking the money out of the budget.

P.O. TONNA:

Because we'll take the money. We're taking the money out of the budget and put it in 2003.

D.P.O. POSTAL:

But, Mr. Chairman, if I could comment --

P.O. TONNA:

Yes.

P.O. TONNA:

-- because you're speaking for me. And I can tell you for myself, if you split the two issues into two different resolutions, I would support the resolution to withhold and recover the revenue sharing from the two municipalities which have not reported in compliance with the law, but I would not support a resolution to withhold the revenue sharing from the other municipalities who have reported on a timely basis.

P.O. TONNA:

You know, if you said -- I mean, that's -- that was my question. Obviously, you said that you would vote -- that you would vote yes on taking the money out of the 2002 budget for Riverhead and Nissequogue.

D.P.O. POSTAL:

And 2003.

LEG. CARPENTER:

Me, too.

P.O. TONNA:

Okay. So let's -- because it will change the voting behavior of some Legislators, we'll separate those two issues. Okay? So --

LEG. CRECCA:

Can you do that?

P.O. TONNA:

Yeah. I just asked if I could and they said that I could. We're going to make, as the -- as the sponsor of this resolution, I am going to make 21A to move into tax stabilization.

LEG. BISHOP:

5-25-5?

P.O. TONNA:

Okay, 5-25-5. I'm sorry.

LEG. CRECCA:

No, no.

MR. SABATINO:

This is the police -- this is the police --

MR. POLLERT:

No, no. That's a police district.

P.O. TONNA:

Oh, this is the police.

MR. SABATINO:

That's all in the Police District.

P.O. TONNA:

This is tax stabilization, then, right?

LEG. CRECCA:

No.

P.O. TONNA:

No.

MR. POLLERT:

What could be -- what, in fact, we could do with the 2002 portion --

P.O. TONNA:

Right.

MR. POLLERT:

-- you could lower the sales tax, transfer from the General Fund to the Police District --

P.O. TONNA:

Right.

MR. POLLERT:

-- and then transfer --

P.O. TONNA:

The money into the tax stabilization.

MR. POLLERT:

Into tax stabilization reserve.

P.O. TONNA:

Okay.

MR. POLLERT:

So, if you want to do that --

P.O. TONNA:

What we're doing is we're lowering -- you know what --

LEG. CRECCA:

I'm a cosponsor, and I'm going to just --

P.O. TONNA:

Yeah.

LEG. CRECCA:

Before you can get there, I'm objecting to that. I think we should leave the bill the way it is. If you want to split it, that's one thing.

P.O. TONNA:

Right.

LEG. CRECCA:

But right now, the money goes in to reduce --

P.O. TONNA:

Oh, to reduce the taxes. Okay, fine.

LEG. CRECCA:

Yeah, in the Police District.

P.O. TONNA:

All right. We'll leave it that way. We'll leave it that way. Good. Okay. 21A, 21B. 21A will remove whatever the amount is, five hundred and whatever thousand, or 537,000, whatever it is, from the Town of Riverhead and the Village of Nissequogue in Year 2002, and transfer it, I think, if I'm not mistaken.

LEG. LINDSAY:

It wouldn't be --

P.O. TONNA:

Go ahead.

MR. SABATINO:

Okay.

P.O. TONNA:

Just say it right.

MR. SABATINO:

Technically, what you're going to have -- if you want to just -- if you want to split it into two bills -
-

P.O. TONNA:

Yes.

MR. SABATINO:

-- and single out Riverhead and Nissequogue for one of those bills, that bill will have to do 2003
and 2002 --

LEG. LINDSAY:

So it would be doubled

MR. SABATINO:

-- because you can't --

P.O. TONNA:

Right. Fine. Okay, period. Okay.

MR. SABATINO:

And then the other bill will just be for everybody else for 2003.

LEG. LINDSAY:

So you're talking about a million dollars.

P.O. TONNA:

Okay.

LEG. LINDSAY:

Over a million dollars.

MR. SABATINO:

Right.

P.O. TONNA:

Fred, you have the numbers, right?

LEG. GULDI:

No, no. Why -- hold on. Wait, wait, wait, wait. Just because they didn't comply for two, they're out --

LEG. CARACCIOLO:

No. I mean, you're taking them out for two successive years.

LEG. GULDI:

For not reporting one?

P.O. TONNA:

Can we take the money out of 2002, and then the other one includes Riverhead and Nissequogue for 2003, which --

LEG. CARACCIOLO:

I want to make sure that's the case.

P.O. TONNA:

Right. Can we do that, Paul?

MR. SABATINO:

You can't amend the 2002 budget in 2003 budget activity, so you have to have the 2002 estimated column just being adjusted as part of a resolution that amends 2003. That's point number one. Point number two is that --

LEG. GULDI:

Hold on. I don't understand that.

P.O. TONNA:

Let Paul finish. Let him finish and then you can ask a question.

MR. SABATINO:

What we're doing today is we're amending the 2003 operating budget. Okay. In the course of doing that, there are some estimates that are revised for 2002, which allow Budget Review, for calculation purposes, to deal with 2003. But you can't have a stand-alone amendment that just amends the 2002 Operating Budget.

D.P.O. POSTAL:

Mr. Chairman.

P.O. TONNA:

Just wait. Wait.

LEG. GULDI:

I see what you're saying.

D.P.O. POSTAL:

I think I understand, if I could clarify. Mr. Chairman, if I could.

P.O. TONNA:

Yes.

D.P.O. POSTAL:

I think what Paul is saying is that we're going to take the 2002 revenue sharing for Riverhead and Nissequogue and we're going to transfer that into 2003, but not going to Riverhead and Nissequogue, going to some other purpose in the Police District.

LEG. GULDI:

Actually, I have a more fundamental flaw with the problem, it's not the problem Maxine has, and I'd like you to address this. If we can't do part of this bill as a stand-alone as part of the budget, how the hell can we do it by mixing it with something else? I mean, the -- flies in the face of every principal of budgeting and governmental power. If you can't do it alone, you can't do it by hiding it under something else.

MR. SABATINO:

You can't -- okay.

P.O. TONNA:

All right.

MR. SABATINO:

You can't do a 2002 budget amendment alone by itself right now. What you're doing is you're amending the 2003 Operating Budget. In the course of doing that, Budget Review, just for calculation purposes, it's not amending the budget, it's purely for calculation purposes, like you did in the omnibus. There are adjustments being made to the estimated column for 2002, so that Budget Review can then take advantage of and use those proceeds or offsets or savings, whatever the case might be, for the purposes of calculating what you can do for 2003, but you are not, you are not amending 2002 when you do that.

LEG. GULDI:

Well, hold on. Why can't --

P.O. TONNA:

That's the whole process of why you look at 2002.

LEG. GULDI:

All right. All right. Let me stick with that. Since it's unlawful for the payment to be made because of the noncompliance with the statute, why does this -- why does Budget Review need a resolution at all to adjust the estimate?

MR. POLLERT:

Because the intent is to do something with those appropriations, either move them to tax stabilization reserve to --

LEG. GULDI:

Which was where it goes as a surplus anyway.

MR. POLLERT:

No, because --

LEG. GULDI:

I see, you don't want --

MR. POLLERT:

-- right now, they would just go to surplus --

LEG. GULDI:

They'd go to fund balance.

MR. POLLERT:

-- in the Police District, in the Police District, so that you could use them for a purpose in the Police District, or you could lower that sales tax transfer from the General Fund. Right now, you're transferring \$16.5 million to the Police District for 2003, but you don't need to, because they're going to have a bigger fund balance by \$500,000, because Riverhead is not going to get their money. So you can reduce that sales tax transfer and spend it somewhere in the General Fund.

LEG. GULDI:

Granted, but why do we need a resolution to recognize the fact that those funds are there --

MR. POLLERT:

Because --

LEG. GULDI:

-- and that we are going to apply them in this way?

MR. POLLERT:

You don't need to, it's only if you want to use it for a particular purpose, for police overtime, because that fund balance will just materialize, but will not be able to be expended by the Police District. They'll have no associated appropriations. So, if you are concerned about police cars or about police overtime, or something of that sort, you could then say, "Gee, we want to apply it for an intended purpose in 2003."

P.O. TONNA:

Okay. All right. Maybe -- what I'm suggesting here is we wanted -- we can't separate them, then, right, it's a little more complicated than we wanted to.

MR. POLLERT:

You can separate them if you just tell me how you want to apply those funds for 2003.

P.O. TONNA:

Well, let's leave it the way it is.

LEG. LINDSAY:

Why don't we apply it towards security at Gabreski?

P.O. TONNA:

No, I'm not supplying -- I'm not putting anymore security at Gabreski.

LEG. LINDSAY:

No.

P.O. TONNA:

Can we put it in --

LEG. LINDSAY:

It's what we're spending there now.

P.O. TONNA:

All right. What -- where could we put the money?

MR. POLLERT:

You can use it in pay-as-you-go in the General Fund, you could -- you know, if you were concerned about Sheriff overtime, if you were concerned about retirement, if you were concerned about health insurance, there was a whole host of areas that you could apply it to --

P.O. TONNA:

Pay-as-you-go.

MR. POLLERT:

-- in the General Fund with that transfer back and forth on the sales tax. Or if you --

P.O. TONNA:

Can't we just leave it as it cuts tax in the Police District?

MR. POLLERT:

That's another option.

LEG. BISHOP:

Yeah.

P.O. TONNA:

All right.

LEG. CRECCA:

The intent of the bill was to --

P.O. TONNA:

Right, exactly. So what I'm going to do is I'm going to split the two bills. Let's -- could you word how I split these two bills, Paul?

MR. SABATINO:

I think what you're trying to accomplish is two bills. One bill would be to take Riverhead and Nissequogue, do the estimated 2002 adjustment, and, and not fund them for 2003 as a stand-alone vote on them. And then the other bill would be for the remaining 2.5 million for 2003. No, okay.

D.P.O. POSTAL:

In 2003 they can still file the report in a timely basis.

LEG. GULDI:

Yeah. What in our --

MR. SABATINO:

No. What happens is, when -- okay. I'm just pulling out the old resolution, but the Blass resolution said that if you didn't comply, you're no longer eligible. But let me just -- okay.

LEG. GULDI:

Forever?

P.O. TONNA:

This is Blass who has villages and stuff?

MR. SABATINO:

Right.

P.O. TONNA:

No wonder why he's a Judge. Where is Blass on the Blass resolution?

MR. SABATINO:

All right. That was the point of the Blass law. The Blass law specifically said that your eligibility to participate in the future was conditioned upon your complying in the past. So what Legislator Caracciolo did in 2000 was he magnanimously gave the towns and villages, many of which were in violation, well beyond the two that you've just described --

P.O. TONNA:

Magnanimously.

MR. SABATINO:

-- he magnanimously granted them in that legislation an opportunity to try to catch up with the system. As Henry indicated earlier, apparently, at some point, they finally did, with the exception of these two. But now the Blass law is in place, which is you're not eligible.

D.P.O. POSTAL:

So, Mr. Chairman.

LEG. CARPENTER:

We should probably send a copy of that Blass law to the Riverhead Town Board.

D.P.O. POSTAL:

Yeah. Mr. Chairman, if I could just ask a question about what would be possible. It would be possible to separate out into Amendment 21A to reduce the 2002 portion of revenue sharing for the Town of Riverhead and the Village of Nissequogue, transfer that into 2003 to the Police District, and eliminate the revenue sharing for Town of Riverhead and the Village Nissequogue for 2003; am I right, Fred?

MR. POLLERT:

Yes. And that would have a 2003 component. If you just -- doing just 2002 by itself, this is not one of the four times underneath the Davis bill that you can amend the budget, is Paul's point, so there has to be some sort of 2003 action with this 2002 stand-alone.

D.P.O. POSTAL:

Well, we could put that into the Police District, too, couldn't we?

P.O. TONNA:

Yes, yeah.

MR. POLLERT:

It is in the Police District.

P.O. TONNA:

So it lowers.

D.P.O. POSTAL:

I mean, instead of going --

MR. POLLERT:

So if you -- right. So if you've got the 2000 component and the 2003 component, you're not amending 2002, you're showing it for, as Paul said, illustrative purposes, flows through the fund balance, and now it would result in a \$1 million plus cut in the Police District tax warrant.

D.P.O. POSTAL:

Right. If I could ask the sponsor, I would ask that you break the resolution out, so that 21A does exactly what Fred has said.

P.O. TONNA:

Okay.

D.P.O. POSTAL:

I can tell you, I'll support it.

P.O. TONNA:

I just need to know what 21A is doing, for all of us, because we're going to vote now.

MR. POLLERT:

What I believe 21A is going to do and the way I'm going to draft is it will amend 2002 estimates and 2003 adopted for the Town of Riverhead and the Village of --

LEG. CRECCA:

Nissequogue.

LEG. NOWICK:

Nissequogue.

MR. POLLERT:

-- Nissequogue to delete funding for town revenue sharing.

P.O. TONNA:

Great.

MR. POLLERT:

Show it as zero.

LEG. TONNA:

Okay. I made a motion, seconded by Legislator Caracappa. Roll call.

MR. SABATINO:

Wait. Then that's 21A, then. 21B --

P.O. TONNA:

21B will be --

MR. SABATINO:

21B is going to be --

P.O. TONNA:

-- just to --

MR. SABATINO:

The balance.

P.O. TONNA:

Yes, and to -- 21B will be to eliminate revenue sharing on all of the others for the 2003 budget.

MR. SABATINO:

Correct. Now you have the two choices.

P.O. TONNA:

Right. Okay?

LEG. CRECCA:

Do 21A first.

P.O. TONNA:

Do 21A first.

(Roll Called by Mr. Barton)

LEG. TONNA:

Yes.

LEG. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Nope.

LEG. GULDI:

Pass.

LEG. TOWLE:

Pass.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

No.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Change my vote to a yes.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

D.P.O. POSTAL:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. TONNA:

Okay. Great.

MR. BARTON:

Twelve.

LEG. TONNA:

Twelve, great. Okay. 21B, motion by myself, seconded by Legislator Caracappa.

LEG. CRECCA:

Can I just on this motion, just so the record is clear, is to eliminate town revenue sharing?

LEG. TONNA:

All other towns for 2003.

LEG. GULDI:

Both towns and villages.

D.P.O. POSTAL:

For 2003.

P.O. TONNA:

Right.

(Roll Called by Mr. Barton)

LEG. TONNA:

Yes.

LEG. CARACAPPA:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

No.

LEG. TOWLE:

Pass.

LEG. VILORIA-FISHER:

Pass.

LEG. HALEY:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes -- no, no, no.

LEG. CRECCA:

Yes.

LEG. NOWICK:

No.

LEG. BISHOP:

No.

LEG. BINDER:

Pass.

LEG. COOPER:

No.

D.P.O. POSTAL:

No.

LEG. TOWLE:

No.

LEG. VILORIA-FISHER:

No.

LEG. BINDER:

No.

MR. BARTON:

Six.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

P.O. TONNA:

Okay. All right, **22 - Remove \$600,000 in Police District Fund for Welfare Fund contribution.** Legislator Caracciolo, this is to amend, right? You want to remove 600 in the Police District for Welfare Fund contribution, or do you want to put that -- where do you want to put that? Where do you want to --

LEG. TOWLE:

East end revenue sharing.

LEG. FOLEY:

All in Riverhead.

P.O. TONNA:

I just -- what does this do; Legal Counsel, what does 22 do?

LEG. CARPENTER:

What is the amount of this?

MR. SABATINO:

Twenty-two is a \$600,000 straight cut from the Police District.

P.O. TONNA:

Cut from the Police District, okay. And it flows to the property tax line, okay?

LEG. ALDEN:

On the motion.

LEG. CARACCIOLO:

Mr. Presiding Officer?

LEG. FOLEY:

Can we hear from the sponsor?

LEG. CARACCIOLO:

Mr. Chairman?

P.O. TONNA:

In the Police District.

LEG. FOLEY:

Can we hear from the sponsor?

P.O. TONNA:

What is the Welfare Fund?

LEG. CARACCIOLO:

We are going to make an amendment, if we could. Fred, in consultation with my colleague, Legislator Carpenter, we'd like to make an amendment. So -- and others, there's been conversation between --

P.O. TONNA:

you want 550,000.

LEG. CARACCIOLO:

Five fifty, right.

P.O. TONNA:

Right, to be removed from the Police District Fund for the Welfare Fund contribution. What is the Welfare Fund contribution? What are we doing here?

MR. REINHEIMER:

The benefit fund contribution is additional benefits that are given through the unions. Various unions have benefits for eyeglasses, dental, hearing, hearing aids and whatever. The PBA has a benefit fund, the County makes an annual -- or a contribution on a monthly basis per member.

P.O. TONNA:

And we're removing it; is this a Budget Review recommendation?

MR. REINHEIMER:

Yes, it is.

P.O. TONNA:

Why?

MR. REINHEIMER:

It's a recommendation as far as that it was over funded for 2003 based on the number of people in Fund 115, number of people in that benefit fund for the PBA.

P.O. TONNA:

All right. For the purposes --

MR. REINHEIMER:

And based on the annual --

LEG. TOWLE:

Question.

P.O. TONNA:

Although this has absolutely nothing to do with anything, just from the standpoint of the possibility of a perception, I'm going to abstain.

LEG. FIELDS:

Where will this money go?

LEG. TOWLE:

If I could, just if we could go back to the explanation. We're moving \$600,000 from the Police District Fund that was slated to pay for what?

LEG. CARACCIOLO:

It's over funded.

MR. REINHEIMER:

Benefits through the Benefit Fund.

P.O. TONNA:

What happens, Fred, I think I can tell you, we have right now a health benefits self-insured fund, but each union has in addition to that, like all of us who are --

LEG. TOWLE:

It says Police District Fund, Mr. Chairman, I'm just trying to --

P.O. TONNA:

Yeah, I'm trying to explain that to you.

LEG. TOWLE:

Okay.

P.O. TONNA:

The PBA has their own benefit fund. We as the County, from the Police District, make contributions to that benefit fund; eyeglasses. Similar to the AME fund that we are, you know, open to, this would flow to the different I guess police, the SOA, the detectives and the PBA,

probably maybe even the Sheriffs, I don't know.

MR. REINHEIMER:

No, the Sheriffs are in AME.

P.O. TONNA:

Okay. So this would be money that would normally flow, our contribution to them.

LEG. TOWLE:

Okay.

MR. REINHEIMER:

Our contribution is based on the number of filled employees in that particular union category.

LEG. TOWLE:

Okay. Let me just ask the question, I'm sorry, I must be a little slow on this subject. The Welfare Fund contribution or the Welfare Fund is where the money goes for the benefits for the eyeglasses and what have you; correct?

MR. REINHEIMER:

That's correct.

LEG. TOWLE:

Okay. The Police District Fund is where we put money to hire police officers, equipment, supplies and to also pay the Welfare Fund; correct?

MR. REINHEIMER:

That's correct.

LEG. TOWLE:

Okay. Is there an overage? I mean, Legislator Caracciolo is yelling out there's an overage in that account.

MR. REINHEIMER:

Right. Based on our analysis for the number of police or employees in that category which would

cover the SOA, PBA, Detectives Association, based on projections for retirements and number of police that would be coming on in 2003, that fund is over funded by 600,000.

LEG. TOWLE:

And in essence, the Welfare Fund then is short \$600,000.

MR. REINHEIMER:

No, no.

LEG. TOWLE:

Okay. So then why are we moving it into the Welfare Fund if they're not short?

MR. REINHEIMER:

No, each fund is budgeted for the number of employees in that particular fund. Employees in the Police District --

LEG. TOWLE:

It's the way it's worded that's the problem.

P.O. TONNA:

I know. I think Legislator Towle -- and I had to look at it twice, too. No, this is -- the Welfare Fund in the Police District.

LEG. TOWLE:

It looks like it's going from the Police District --

P.O. TONNA:

No, it really should be -- it's removing \$600,000, or 550,000 as amended by the sponsor, from the Welfare Fund contribution in the Police District.

LEG. TOWLE:

Where is it going?

P.O. TONNA:

It's going to cut taxes in the Police District.

LEG. TOWLE:

The Police District taxes.

P.O. TONNA:

Right.

LEG. TOWLE:

Okay, but that's not the way it looks here the way it's worded.

P.O. TONNA:

Right, I could see how you could get confused.

LEG. CARPENTER:

Question.

P.O. TONNA:

So that's \$550,000, not 600.

LEG. GULDI:

Point of clarification.

P.O. TONNA:

First Legislator Carpenter, then Legislator Guldi.

LEG. CARPENTER:

Does the department concur with your assessment?

P.O. TONNA:

We'll find out with the vetoes.

MR. POLLERT:

I don't believe they commented on it. I know that we forwarded them copies of our report, but my recollection was they did not address it when they spoke before the Public Safety

Committee meeting.

LEG. CARPENTER:

That's the first I heard about it. Thank you.

P.O. TONNA:

Okay, hold it. No, Legislator -- there was somebody over here.

LEG. GULDI:

Yeah, me.

P.O. TONNA:

Guldi.

LEG. GULDI:

The question I have is the current per employee contribution is defined in collective bargaining agreements, yes?

MR. POLLERT:

Yes, it is.

LEG. GULDI:

Okay. And after this amendment, the fund will in Budget Review's estimation have ample available funds to meet the commitments under the collective bargaining agreement, this is only cutting the surplus; is that correct?

MR. REINHEIMER:

Yes, that's correct.

LEG. CARACCIOLO:

Mr. Chairman, just to reit --

LEG. LINDSAY:

I'm confused.

LEG. CARACCIOLO:

Well, not reiterate, but just to emphasize that last point. The fund will be fully funded, the Welfare Fund will be fully funded.

LEG. LINDSAY:

Yeah, but I have -- is the contract, does the contract spell out the benefit or the contribution level?

MR. REINHEIMER:

The contract -- no, the contract is specific to the contribution.
The individual benefit fund sets the benefit rate.

LEG. LINDSAY:

Okay, but then you're violating the contract.

P.O. TONNA:

No, it's per person.

MR. REINHEIMER:

No, no, the contract sets the rate. We -- the County contributes per person to each of the benefit funds on a monthly basis.

LEG. LINDSAY:

I see.

P.O. TONNA:

And they're saying the staffing --

LEG. LINDSAY:

And we figured it on a higher amount of people than are actually there.

MR. REINHEIMER:

That's correct. This also includes --

LEG. GULDI:

Bill, I think the way to answer the question is how much would be left in the fund after the cut; that's the question that nobody has asked.

P.O. TONNA:

Okay. So there's a motion and a second. All in favor? Opposed?

MR. BARTON:

Who's the second?

P.O. TONNA:

It's unanimous.

MR. BARTON:

Mr. Chairman, I have mister --

LEG. CARACCIOLO:

Roll call, please.

P.O. TONNA:

Roll call? Okay.

(* Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:

Yes.

LEG. ALDEN:

Yes.

LEG. GULDI:

Yeah.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. CARPENTER:

Abstain.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Abstain.

MR. BARTON:

15-1, 2 abstentions (Opposed: Legislator Haley - Abstentions: Legislators Carpenter & Tonna).

P.O. TONNA:

Okay. Now we're going to move to --

LEG. HALEY:

Mr. Chairman?

P.O. TONNA:

Yes. Oh, yes, Legislator Haley.

LEG. HALEY:

I have two simple -- I have two requests for consideration by everybody. Budget Amendment 57 requires 14 votes and it's a straight add of 150,000. So in our deliberations, if somebody is looking to reduce in some areas willing to use the 150,000 in that area, it would be greatly appreciated. Because that 150,000, believe it or not, will provide a cost savings of --

P.O. TONNA:

Over a million three.

LEG. HALEY:

Almost \$2 million.

LEG. FISHER:

That's correct.

LEG. HALEY:

All right? So it's a very significant program, so if anybody has an idea, that would be great.

P.O. TONNA:

Okay.

MR. POLLERT:

It has already been offset. The reason it's 14 votes is --

LEG. CARPENTER:

Henry, cosponsor that one, 57.

MR. POLLERT:

-- because the funding was no longer continued from a higher level source, therefore --

LEG. HALEY:

Okay. All right, fine. Then we should be all right.

MR. POLLERT:

-- it's the Unfunded Mandate Law.

LEG. HALEY:

Okay. And my only other request is we have just one remaining CN and there's a young lady from Parks who's been waiting here all day in case we had any questions, and that was simply to do that grant because there's a deadline and time is of the essence. If we could do that real quick?

P.O. TONNA:

All right.

LEG. GULDI:

I second the motion to approve.

P.O. TONNA:

Just -- okay.

LEG. FIELDS:

Take a motion to take it out of order?

P.O. TONNA:

Yes.

LEG. CRECCA:

Can I ask where we are?

P.O. TONNA:

I'm going to tell everybody because there's -- there is going to be a motion and a second -- motion by Legislator Haley, second by Legislator Guldi -- to take out of order Resolution No. -- **CN No. 2118**. All in favor? Opposed? Great.

LEG. HALEY:

Motion to approve.

P.O. TONNA:

Now there's a motion to approve by Legislator Haley, seconded by Legislator Guldi. On this motion, all in favor? Opposed?

LEG. CRECCA:

What is it, please?

P.O. TONNA:

This is **authorizing the Pine Barrens Commission to make application for a Recreation Trail Grant from New York State**.

LEG. HALEY:

There's a deadline.

LEG. FOLEY:

That's the virtue of getting some grant writers, they can get some more grants to offset local taxpayers.

MR. BARTON:

18.

P.O. TONNA:

Okay. Now we're going to go back to our normally scheduled program.

LEG. HALEY:

Did we vote that?

MR. BARTON:

18.

LEG. HALEY:

Thank you.

LEG. GULDI:

Can we do the other CN while we're here?

P.O. TONNA:

We have another one?

LEG. GULDI:

EMHP, the audit.

P.O. TONNA:

Okay. This is a Certificate of Necessity for ***Resolution No. 2115 - to authorize and empower*** Andrew Crecca -- oh no, I'm sorry -- empower ***the audit of the EMHP.***

LEG. TOWLE:

Cosponsor.

LEG. CARACAPPA:

Cosponsor.

P.O. TONNA:

There's a motion by Legislator Crecca, seconded by Legislator --

LEG. CRECCA:

Bishop.

P.O. TONNA:

Fisher?

LEG. CARPENTER:

Bishop.

P.O. TONNA:

Just on the motion.

LEG. ALDEN:

On the motion.

P.O. TONNA:

No, just wait. On the motion, I just want to state for the record that not because there is any real conflict but because of the perception of the possible conflict, I am going to abstain from this vote.

LEG. ALDEN:

On the motion.

LEG. HALEY:

On the motion.

P.O. TONNA:

Thank you. Go ahead.

LEG. ALDEN:

I just have a question of the sponsor. You stated you're going to subpoena people?

P.O. TONNA:

No, that has nothing to do with this bill.

LEG. CRECCA:

That has nothing to do with this. This is EMHP had at their own board meeting said that they wanted to audit themselves.

LEG. ALDEN:

All right.

LEG. CRECCA:

Then there was an emergency meeting of the Audit Committee, this strictly has to do with empowering the Audit Committee to take over the audit and do an independent audit of EMHP.

P.O. TONNA:

Right. Okay, thank you. There's a motion and a second. All in favor? Opposed? I am going to abstain.

MR. BARTON:

17, 1 abstention (Abstention: Legislator Tonna).

LEG. CARACCIOLO:

Cosponsor.

LEG. HALEY:

I had a question.

LEG. BINDER:

Cosponsor.

P.O. TONNA:

Oh, I'm sorry. Go ahead.

LEG. HALEY:

Does Fred have a problem -- he's part of that Audit Committee.

P.O. TONNA:

Yeah, do you have a problem with this, Fred?

LEG. HALEY:

You feel comfortable with this?

MR. POLLERT:

Yes. In fact --

LEG. HALEY:

Thank you.

MR. POLLERT:

-- the entire committee would like this resolution adopted, I imagine.

P.O. TONNA:

Fantastic. Okay, I just -- you know what? Since we've broken with the regular program for a second, I have one other issue. Where is it?

Okay, No. 14 - To consider and vote on IR 2106-2002, appointing Chief Deputy Clerk of the County Legislature. And I just want to take this out of order and the reason is, is because the last meeting that we had there was -- this lady had waited for I think up until one o'clock in the morning or whatever else and I just don't want to do that again to her. This is going to -- this is a vote on the Deputy Clerk of the County Legislature.

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Oh, this is just a motion? This is to lay on the table and to approve. Just wait, let me make the motion and then on the motion. I'm going to make a motion, first of all, to take it out of order, right? And is there a second?

LEG. ALDEN:

Second.

P.O. TONNA:

Second by Legislator Alden. All in favor? Opposed? Fine. Now I'm making a motion to lay on the table and approve Resolution

2106-02 - Appointing Chief Deputy Clerk of the County Legislature.

LEG. BINDER:

On the motion.

LEG. CARACCIOLO:

Second.

P.O. TONNA:

Second by Legislator Caracciolo. On the motion, Legislator Binder.

LEG. BINDER:

Parliamentary inquiry.

P.O. TONNA:

Sure.

LEG. BINDER:

If it's an IR, is there a seven day rule? So I just want to make sure that's on the record, why we can do it today.

MR. SABATINO:

Appointments to Legislative positions are not subject to the seven day rule, but it's a good point. It's got an IR number just so it has a number in the system.

P.O. TONNA:

I didn't even know we had a seven day rule. All right, anyway --

LEG. CRECCA:

You're silly.

P.O. TONNA:

All right, I knew it; yeah, right. Okay, so I made a motion and a second. All in favor? Opposed?
Thank you very much.

MR. BARTON:

18.

P.O. TONNA:

Congratulations. Congratulations, we'll see you here next meeting. If you want to, you know, do a little free pro bono work, come on, sit right up here.

LEG. CRECCA:

How does it feel to join the circus?

LEG. GULDI:

Now you get to do this every month.

P.O. TONNA:

Thank you very much. Okay, now let's go down to **26 - Reduce 2002 estimated cost for helicopter spraying \$10,000.**

LEG. CARACCIOLO:

Withdrawn.

P.O. TONNA:

Withdrawn. All right, I like that theme.

28 - Remove \$442,000 for the purchase of automobiles. Is there a motion? Motion. Do you want to put this in 5-25-5?

LEG. CARACCIOLO:

I want to put it in Tax Stabilization.

P.O. TONNA:

Tax Stabilization.

LEG. CRECCA:

Which one are you in?

P.O. TONNA:

Okay, No. 28, he wants to take \$442,000 for the purchase of automobiles and put it into Tax Stabilization. Mr. Spero, do you have some input here?

MR. SPERO:

Just to make you aware that this is in addition to the \$500,000 cut that's in Omnibus I.

P.O. TONNA:

That we cut, that's correct.

LEG. CARACCIOLO:

And a recommendation of BRO.

P.O. TONNA:

BRO says cut \$942,000.

LEG. FOLEY:

Is that right, did you say that?

P.O. TONNA:

Jim?

MR. SPERO:

It was 500,000, wasn't it? We recommended 500,000.

P.O. TONNA:

Okay, and now we're going to do 942,000.

LEG. FOLEY:

And how much would be left?

LEG. CARACCIOLO:

Five point five million.

LEG. FOLEY:

Would be left or would be --

LEG. CARACCIOLO:

Five point five million.

P.O. TONNA:

Okay. So there's a motion by Legislator Caracciolo.

LEG. NOWICK:

Question.

P.O. TONNA:

Obviously seconded by Mr. Towle. All right? Roll call.

LEG. FOLEY:

No, there's a question, someone had a question.

P.O. TONNA:

Okay, who had a question? All right, thanks, Brian. Okay, let's go.

LEG. CARACCIOLO:

Henry, go.

P.O. TONNA:

Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Pass.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Pass.

LEG. CRECCA:

No.

LEG. NOWICK:

Yes.

LEG. BISHOP:

no.

LEG. BINDER:

Pass.

LEG. COOPER:

Yes.

LEG. POSTAL:

Yes.

LEG. TONNA:

No.

LEG. HALEY:

No.

LEG. CARPENTER:

No.

LEG. BINDER:

No.

P.O. TONNA:

Binder, watch out, we voted for the first time in year 2001, 2002 and 2003, we voted the same on a bill.

MR. BARTON:

12-6.

P.O. TONNA:

Just watch yourself, copy cat.

LEG. GULDI:

Yeah, but you voted for something that passed.

P.O. TONNA:

No, not something that passed, I know, no harm. Okay, what did we have there; that's a yes?
Okay, great.

Let's go on to **30 - Increase 2002 estimated fines & forfeited bail \$125,000**. Legislator Caracciolo, you want to increase the 2002 estimated fines and forfeited bail by 125,000. Now, what would you like to do with that money?

LEG. CARACCIOLO:

Tax Stabilization.

P.O. TONNA:

Tax Stabilization; going once, going twice.

LEG. BISHOP:

Mr. Chairman, what happened to the notion that we were going to put this money into --

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

5-25-5.

LEG. BISHOP:

-- 5/25/5 which is woefully under funded?

LEG. CARACCIOLO:

We have quite a bit in 5-25, let's get some money in Tax Stabilization, you're going to need it.

P.O. TONNA:

Listen, he is -- this is the sponsor of the resolution, he's cognizant of your concerns and he wants to do something else with it. There's a second by Legislator Caracappa.

LEG. CARACCIOLO:

I want to save you from yourselves, that's why.

LEG. CARACAPPA:

Second.

P.O. TONNA:

There's a second by Legislator Caracappa. All right, roll call.

LEG. FISHER:

On the motion.

P.O. TONNA:

On the motion.

LEG. FISHER:

Fred, I recall during one of the Omnibus meetings when David and I were discussing with you the 5-25-5 account and how much we needed and how much we had; can you please tell us what the status is?

MR. POLLERT:

Basically you had no money recommended by the County Executive.

LEG. FISHER:

So we're starting at zero.

MR. POLLERT:

You're starting at zero. You needed four and a half million dollars just for basic reoccurring things like wiring and computer and computer monitors, all of which would, you know, then be bonded. So you need a minimum of four and a half million dollars --

LEG. FISHER:

And what are we up to now? I haven't been adding this up.

MR. POLLERT:

Neither have we.

LEG. FISHER:

Good, I don't feel too bad then. Okay. But the point is, Mike, maybe -- Mike?

LEG. CARACCIOLO:

I'm listening.

LEG. FISHER:

Would you be willing to listen to what we're up to at this point, see how close we are to what Budget Review says we need?

MR. SPERO:

We're not even close to four and a half million, we're not even close to a million.

LEG. FISHER:

Well, I know that, but what I'm --

LEG. CARACCIOLO:

Well, from my perspective --

LEG. FISHER:

But if we have a number --

LEG. CARACCIOLO:

I appreciate what you're saying, but from my perspective it's a matter of priorities. We all know, we're on notice that we are going to have shortfalls throughout 2003, stop kidding ourselves, let's put some money in Tax Stabilization. 5-25-5 was not funded by the Executive, we are putting some money into it, but for me it's a question of priorities.

P.O. TONNA:

Okay; he's the sponsor, let's go on. Roll call.

LEG. FOLEY:

Before we go to a roll call, isn't there \$24 million currently in Tax Stabilization; is it 24 million?

P.O. TONNA:

Yeah. Okay, but we need a lot to run this County. Okay, here we go.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

(Not Present).

P.O. TONNA:

Is this a Budget Review recommendation?

LEG. TOWLE:

Yes.

LEG. FISHER:

This is a Budget Review recommendation?

LEG. CARACCIOLO:

Yes, it was.

LEG. FISHER:

Yes.

LEG. HALEY:

Pass.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes, cosponsor.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. POSTAL:

Yes.

LEG. TONNA:

Yes.

LEG. GULDI:

(Not Present).

LEG. HALEY:

Yes.

MR. BARTON:

17, one not present (Not Present: Legislator Guldi).

P.O. TONNA:

Great. Now we go to **33** and now we're into the Sheriff Division -- mike, I know this is a specialty of yours -- **increase SSA Jail Incentive Program aid by \$53,928.**

LEG. CARACCIOLO:

These are Social Security payments that were not included in Budget Review --

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

17, one not present (Not Present: Legislator Guldi).

P.O. TONNA:

36D -- it was added.

LEG. CARACCIOLO:

We have to add it, it wasn't funded.

P.O. TONNA:

Okay, that's a straight add. Okay, here we go.

36D - Increase turnover savings in the discretionary portion of the Operating Budget \$7,473,643, reduce aid \$1,523,205. That's partial; do you want to keep that or you want to withdraw that? Turnover savings.

LEG. CARACCILOLO:

This is to --

P.O. TONNA:

A discretionary side.

LEG. CARPENTER:

Withdraw it.

LEG. CARACCILOLO:

Increase turnover savings.

P.O. TONNA:

Yeah.

LEG. CARACCILOLO:

Yes. Yes, I do.

P.O. TONNA:

You want to do more than the six million that we did.

LEG. CARACCILOLO:

Yeah, that's a BRO -- yeah, and put it in Tax Stabilization.

P.O. TONNA:

Okay.

LEG. FOLEY:

What's the difference?

LEG. BISHOP:

Mr. Chairman?

LEG. FOLEY:

Let's get an explanation from BRO as to what the difference is.

MR. POLLERT:

Just -- could I just ask a question?

P.O. TONNA:

You're going to ask a question of us? No, no, no, you got this all wrong; we ask questions of you.

MR. POLLERT:

What were we supposed to do with the aid on Resolution No. 33?

P.O. TONNA:

You were supposed to --

LEG. CARACCIOLO:

You were increasing it, it's a BRO recommendation.

P.O. TONNA:

It's a straight add.

LEG. CARACCIOLO:

It's a straight add for social security, you said there was --

MR. POLLERT:

No, no, this is additional aid. We get aid --

LEG. CARACCIOLO:

That's not what Jim explained to me, so please clarify.

MR. SPERO:

Do you want the aid to reduce taxes or do you want the aid to go to Tax Stabilization Reserve or pay-as-you-go?

LEG. CARACCIOLO:

I thought it was an add. It's a reduction?

MR. SPERO:

It's a tax reduction.

LEG. CARACCIOLO:

Thanks for the clarification, Tax Stabilization.

LEG. TOWLE:

Put me on that.

P.O. TONNA:

All right? There we go, there's a clarification; very flexible here.

36D, you want to increase turnover savings.

LEG. CARACCIOLO:

Turnover savings, right.

LEG. TOWLE:

Second.

P.O. TONNA:

I would like to -- on the motion.

LEG. FOLEY:

Can we just get an explanation as to how this is a partial with Omnibus, so what's the difference between what we passed in Omnibus and what this would add to it.

P.O. TONNA:

We've already knocked six million out.

MR. POLLERT:

Yes.

LEG. CARACCIOLO:

A million five.

MR. POLLERT:

The Omnibus resolution has already removed \$6 million. The -- what this would do, because it's additive, is it would add another \$7 million to turnover savings which would be a little over the maximum amount. We had forecast that the maximum turnover savings is about 12 point some odd million dollars.

P.O. TONNA:

I would ask -- I would ask my colleagues to think very seriously about this resolution.

LEG. CARACCIOLO:

Mr. Chairman, I'll make a floor amendment to --

P.O. TONNA:

No, no, let's go with the --

LEG. CARACCIOLO:

-- \$3 million.

P.O. TONNA:

No, no, we'll go with the full Monty, why not?

LEG. CARACCIOLO:

Because you want to see it defeated, that's why.

P.O. TONNA:

Yeah, absolutely.

LEG. FOLEY:

Mike, make it 1.4.

P.O. TONNA:

I know, okay. So there's an amendment now to --

LEG. CARACCIOLO:

I'll make it 1.4, Mr. Chairman.

P.O. TONNA:

From seven million to 1.4 million?

LEG. CARACCIOLO:

Right.

LEG. FOLEY:

On the motion.

P.O. TONNA:

Okay, hold it a second, I still want to choke.

LEG. BISHOP:

On the motion.

LEG. FOLEY:

On that motion as well.

P.O. TONNA:

Wait. Oh, you want to be on that motion? So we have now on the motion, it's Legislator Caracciolo, seconded by Legislator Towle with a --

LEG. CARACCIOLO:

Cosponsor Foley.

P.O. TONNA:

-- cosponsor from Legislator slash and burn Foley, okay. Now, what I would like to do is be recognized -- I'm recognizing myself on this motion.

LEG. FOLEY:

Recognize, there's a G in that word.

P.O. TONNA:

Recognize.

LEG. FOLEY:

But Legislator Bishop and then I want to speak.

P.O. TONNA:

I would ask my colleagues --

(*Presiding Officer banged gavel*)

LEG. CRECCA:

Where are we?

P.O. TONNA:

We're on 36D; I would make a passionate plea to my colleagues to not do this.

LEG. TOWLE:

Why not?

P.O. TONNA:

We have a tight enough budget. I know that pushing turnover savings more will just really compound the problems that we have in 2004. This is something of intense conversation for the last two weeks with my colleagues about the level that we could endure with turnover savings. Considering other things and measures that we've taken in this budget process, I plead with you, please do not do this. Thank you. Okay, roll call.

LEG. ALDEN:

No.

LEG. CARACCIOLO:

Mr. Chairman?

LEG. BISHOP:

On the motion.

P.O. TONNA:

Oh, on the motion. Legislator Bishop, Legislator Alden, Legislator Foley, Legislator Caracciolo after that.

LEG. BISHOP:

If I understand the sponsor's floor amendment, he's going to move 1.473 into -- from turnover savings to Tax Stabilization. I would be inclined to support it if it went to 5-25-5. One of the most important reforms that this Legislature --

LEG. CARACCIOLO:

Dave, you got it.

LEG. BISHOP:

I got it?

LEG. GULDI:

Stop, you got it. Okay?

LEG. TOWLE:

Have courage. Be a man of your convictions.

LEG. GULDI:

You got it.

LEG. ALDEN:

You all done, Dave?

LEG. CARACCIOLO:

The floor amendment is \$1.4 million to be transferred to 5-25-5 account.

LEG. TOWLE:

Second.

LEG. FISHER:

5-25-5?

LEG. GULDI:

Yep.

LEG. ALDEN:

Fred? Fred, I have the floor but I'll ask you a question, go ahead. You're raising your hand, go ahead.

MR. POLLERT:

If this resolution is adopted we have to be able to bring the resolution to the County Executive's Office by tomorrow. We cannot prepare a change of this magnitude even in eight hours, it is a major deal to redo turnover savings. So if you change it, we will be unable to meet the statutory requirement that the resolution goes to the County Executive's Office tomorrow. Most of these other changes have been one or two lines, but turnover savings is tremendously complex with both aid and interfund transfers, so we can't change this resolution on the floor and be able to prepare the resolution for tomorrow.

LEG. ALDEN:

I have a further question.

LEG. CARACCIOLO:

So then it stays the same, even in its original form then. But Fred, let me ask you with regard to --

LEG. ALDEN:

Actually, I have a question.

LEG. CARACCIOLO:

Would you suffer a brief interruption?

LEG. ALDEN:

Yeah, go ahead.

LEG. CARACCIOLO:

Fred, could we designate that the money go to 5-25-5?

MR. POLLERT:

You could designate it goes to 5-25-5 because that's one line item, but the problem is -- yes, we could designate it to 5-25-5.

LEG. CARACCIOLO:

Okay. David, 5 -25-5, seven and a half million.

LEG. BISHOP:

That's more than we actually needed. No thanks.

LEG. ALDEN:

Fred, I have just one further question. On the second line, reduce aid one million five?

MR. POLLERT:

Yes.

LEG. ALDEN:

What does that do?

MR. POLLERT:

What happens is when you increase turnover savings in aidable departments such as Health, Probation, Social Services, you will lose programmatic aid. So if you're in the Department of Social Services, your salaries could be funded 25, 30, 50% by offsetting State or Federal aid. So if you are not paying out the money on salaries you're not going to be receiving the aid.

LEG. ALDEN:

So just so I understand this, the net effect of this is if we went with the seven million four hundred, whatever, we're not going to be able to fill those positions, number one, so that's DSS workers, Child Protective Service, all that kind of stuff.

P.O. TONNA:

Right.

LEG. ALDEN:

So we can't fill those but we also have to reduce the proposed New York State and Federal aid that we would have gotten.

MR. POLLERT:

That's correct.

LEG. ALDEN:

Okay. Thanks.

P.O. TONNA:

Yes. Legislator Caracciolo?

LEG. CARACCIOLO:

Fred, there's a follow-up to what I think was a very good question, one raised by Legislator Alden. What was the basis for your recommendation and what is the net savings if you put this money, if you have turnover -- increase turnover savings? Go through the scenarios in your budget report about the conservative, the moderate and the extreme options available to the Legislature.

MR. POLLERT:

This would actually go above the extreme amount.

LEG. CARACCIOLO:

So why are you recommending that?

MR. POLLERT:

We're not. We said that normally we would rule it out because it was included in Omnibus No. 1.

LEG. CARACCIOLO:

Okay, now I understand what happened. When Jim Spero and I spoke it was under the

assumption that nothing would be included in Omnibus 1.

MR. POLLERT:

That's correct.

LEG. CARACCIOLO:

Now that we have --

MR. POLLERT:

We have a safety net in the stand-alone resolutions.

LEG. CARACCIOLO:

Okay.

P.O. TONNA:

So you're withdrawing it?

LEG. CARACCIOLO:

No, I'd like to increase it by \$1.4 million, go back to the original modification that I made.

MR. POLLERT:

The problem is I can't prepare the resolution by tomorrow.

LEG. CARACCIOLO:

You can't do it, then I have no choice but to ***withdraw it***.

P.O. TONNA:

There we go. It was truly an act of God; thank you. And the next one also?

LEG. CARPENTER:

Just withdraw them all.

P.O. TONNA:

36M - Increase turnover savings in the mandated portion of the operating budget

\$84,281, reduce aid \$23,144. I want you to know, Legislator Caracciolo, I am counting and you almost -- if you have one or two more on this then you will beat the Levy --

LEG. CARPENTER:

Levy.

P.O. TONNA:

Okay, 36M; you're going to make a motion on this?

LEG. CARACCIOLO:

Motion to approve.

P.O. TONNA:

Motion to approve. I -- is there a second? Great, ***fails for lack of a second.*** Okay.

38 - Remove \$938,458 and rescind the 3.25 salary increase for exempt employes and the COLA increase for elected officials for 2003.

LEG. ALDEN:

Explanation. Oh, there's no motion.

P.O. TONNA:

Don't worry about this, you don't need an explanation. This doesn't need an explanation. Okay. All right, there's a motion by who, Legislator Caracciolo?

LEG. CARACCIOLO:

Motion, yes.

P.O. TONNA:

Is there a second?

LEG. CARACCIOLO:

Put it in Tax Stabilization.

P.O. TONNA:

Second by Legislator -- wait, wait, is there a second by yourself?

LEG. CARACAPPA:

On the motion. Second.

P.O. TONNA:

Okay, there's a motion and a second by Joe Caracappa.

LEG. CRECCA:

Maybe we should use the Sports and Recreation money to fund this.

LEG. CARACAPPA:

On the motion --

P.O. TONNA:

There you go.

LEG. CARACAPPA:

-- wise ass Crecca.

P.O. TONNA:

Wait, wait, wait, please.

LEG. CARACAPPA:

I'm kidding.

P.O. TONNA:

Did you say Cracker or Crecca? All right, go ahead.

LEG. CARACAPPA:

Mike, the 3.25%, that's something that was already administered to exempt employees, correct; you're saying rescind that?

LEG. CARACCIOLO:

Yes, because the total increase for exempt employees was in excess of 7%. And given the cost of living increases in recent years of about 2\$, I think -- again, we're talking about difficult financial times -- we should lead by setting the example.

LEG. CARACAPPA:

Right. I would -- you obviously know I have a resolution to do the COLA for the elected officials.

LEG. CARACCIOLO:

Right.

LEG. CARACAPPA:

I would support this wholeheartedly right now if you took out the exempt employees and the 3.25, I think it should be us taking the hit as opposed to the exempt employees.

LEG. POSTAL:

Mr. Chairman?

LEG. CARACAPPA:

So I'd support it along those lines.

LEG. CARACCIOLO:

I appreciate that but it really would be no significant savings if it's just elected officials, because when you add up -- Fred, what's the total savings?

LEG. CARACAPPA:

It would actually be more than some of the things we've already passed.

P.O. TONNA:

Okay.

LEG. BISHOP:

He doesn't have a second.

P.O. TONNA:

Wait a second.

LEG. FISHER:

He does.

P.O. TONNA:

Yes, Joe Caracappa does.

LEG. POSTAL:

He's withdrawing it.

P.O. TONNA:

Oh, you withdrew your second?

LEG. CARACAPPA:

Not yet, I'm asking Mike's opinion.

P.O. TONNA:

Dave, stop wasting my time. Okay. There's a motion and a second; your seconder has asked --

LEG. CARACCIOLO:

We're trying to just get some information.

P.O. TONNA:

Okay, information. While we do the information thing, why don't we go right to Legislator Postal.

LEG. POSTAL:

Yeah. You know --

P.O. TONNA:

Or Postal, however you would like it, the French pronunciation.

LEG. POSTAL:

Well, if you want to do the French pronunciation.

P.O. TONNA:

There you go.

LEG. POSTAL:

You know, I truly don't understand why we do this to certain employees, particularly members of our own staff who work very, very hard. And you know, I just don't think that because they're in -
-

LEG. CRECCA:

The peanut gallery.

LEG. FISHER:

Oh, wait, look, she's coming around with cookies.

LEG. POSTAL:

Because they have, you know, the misfortune, for example, to be working for us. I don't know --

P.O. TONNA:

Give out those cookies now, Linda.

LEG. POSTAL:

Yeah. I don't know how many of your staff people work far longer than an eight hour day and go out of their way to help constituents, and I just think it's wrong to punish them after they work like that. Secondly -- and I know that, you know, it's very popular for us to bash ourselves, but I remember what Don Blydenburgh said and he was absolutely right. We persist in bashing ourselves by doing things like taking away all kinds of things like cars, if we could we'd take away our health benefits, we really demean the position of Legislator and other elected officials by --

LEG. TOWLE:

Is that a motion?

LEG. ALDEN:

Henry, all of us as cosponsors.

LEG. CARPENTER:

Don't listen to him.

LEG. POSTAL:

You know, I just think that we demean ourselves and we say to the public that we're not worthy of any of the things that we've done over the past few years. I truly think you get what you pay for. You want to take away a COLA for exempt employees, you want to take away a COLA for elected officials? You'll get a lower caliber of employee, you'll get a lower caliber of people running for public office.

LEG. CARACAPPA:

I agree, that's why I asked Mike to take out the exempt employees. In my bill that's coming next month is to just freeze the COLA for one year, not to eliminate it.

LEG. TOWLE:

It's never coming out of committee, don't worry about it.

LEG. CARACAPPA:

Okay, Mr. Chairman.

LEG. TOWLE:

He's got a better chance of hitting Power Ball on Friday.

LEG. CARACAPPA:

So, Mr. Chairman, after receiving --

LEG. CARACCIOLO:

Did we get the number?

LEG. CARACAPPA:

Well, you pretty much gave me the answer anyway, that you're not separating out the --

LEG. CARACCIOLO:

No, but let me just respond -- not respond, but let me just make the record complete.

P.O. TONNA:

Hold it. Is there a second or isn't there? That's all I want to know.

LEG. CARACAPPA:

I'm waiting to see if I'll withdraw it or not.

P.O. TONNA:

Okay. So you still want to hear, go ahead.

LEG. CARACCIOLO:

When one examines the cost of County government, the cost of County government --

P.O. TONNA:

You don't have to give a cookie to Caracciolo, by the way.

LEG. CARACCIOLO:

We can point, as I said earlier today, to Albany and to Washington and to other places and point blame, but you can't ignore the fact that there have been very significant increases to -- in personnel costs that far exceed anything reasonable and fair. Now, I believe in people making a fair wage. However, when you're in an economic cycle like we have been in the last two years, you're hard pressed to justify to the public how we're giving eight and 9% raises when -- eight and 9% increase in salaries to exempt and other employees, not to elected officials but to exempt and other employees.

P.O. TONNA:

Guys, I would ask -- Legislator Caracciolo has the floor. Wait, Linda, don't be disruptive. Legislator Caracciolo has the floor.

LEG. CARACCIOLO:

All right, just keeping the second, let's have the roll call.

P.O. TONNA:

Okay.

LEG. TOWLE:

Mr. Chairman, the aides are handing out cookies while their salaries are being exposed.

P.O. TONNA:

There you go; it's the let them eat cake rule. Okay, roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

No.

P.O. TONNA:

Guldi's a yes? Okay.

LEG. FISHER:

Pass.

LEG. HALEY:

(Not present).

LEG. FOLEY:

Pass.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Abstain.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

No.

LEG. BINDER:

Pass.

LEG. COOPER:

No.

LEG. POSTAL:

No.

P.O. TONNA:

No.

LEG. FISHER:

No.

LEG. HALEY:

(Not present).

LEG. FOLEY:

No.

LEG. ALDEN:

No.

LEG. BINDER:

Does that cover my aide in the Assembly? Probably not.

P.O. TONNA:

Does that cover when you're an aide in the Assembly, what?

LEG. BINDER:

No.

P.O. TONNA:

Wait, what did you just say?

MR. BARTON:

Three.

LEG. BINDER:

We can split it.

P.O. TONNA:

Hey, can you do that? Double dip, double dip.

LEG. CARACAPPA:

(Inaudible).

P.O. TONNA:

Not right now; you're not too popular right now, Joe, let's wait a little while. Okay. What was the

count?

MR. BARTON:

Three.

P.O. TONNA:

Three.

LEG. TOWLE:

Mr. Chairman?

P.O. TONNA:

Okay, hold it a second.

LEG. TOWLE:

Can I move my seat?

P.O. TONNA:

Yeah, right, exactly. All right, **39 - Restore \$725,134 to Cornell Cooperative Extension Family & Consumer Science Program, offset rental real property.** Legislator Caracciolo, we cut and then we restore.

LEG. CARACCILO:

I withdraw.

P.O. TONNA:

Withdraw, withdraw the restore.

41 - Create separate fund to properly account for revenues and expenses at F.S. Gabreski Airport. Mr. Cooper, what do you got going here?

LEG. FISHER:

No, that's nothing.

LEG. COOPER:

That's conflicted out.

LEG. FISHER:

Conflict.

P.O. TONNA:

Oh, okay, I don't know why it was -- oooh, Linda, a mistake.

43 - Add \$1 for Long Island Groundwater Research Institute, offset. Legislator Bishop?

LEG. BISHOP:

Motion.

P.O. TONNA:

A motion to add \$1.

LEG. FISHER:

One dollar?

LEG. FOLEY:

Second.

LEG. BISHOP:

To create a budget line, apparently the Suffolk County Water Authority is interested in working on a new master plan and it would require legislation from the Legislature and this would allow for the budget line to --

LEG. FOLEY:

Second the motion.

P.O. TONNA:

Can I just ask Budget Review? Now, it's a \$1 split up between 1.4 million residents; what will that do to the tax base? All right, we'll forget that.

LEG. TOWLE:

Mr. Chairman?

P.O. TONNA:

Yes.

LEG. CRECCA:

What happened to 39?

P.O. TONNA:

Let's just -- oh, you were going to ask on this one?

LEG. TOWLE:

I got some questions, yeah. Who -- no, it's not the issue of the dollar, it's creating a budget line now. Who is the Long Island Ground Water Research Institute?

LEG. FISHER:

They're at Stony Brook.

P.O. TONNA:

Well, who are they?

LEG. TOWLE:

Is it nonprofit, is it a for-profit group; do you know?

LEG. BISHOP:

It's part of Stony Brook University, so I assume it's not-for-profit, but are you -- do you have knowledge?

LEG. TOWLE:

I don't know, I'm asking you the question, you're the one sponsoring the bill. We're going to create a budget line --

LEG. BISHOP:

No, it just maintains a budget line.

LEG. TOWLE:

But why, for what purpose?

LEG. BISHOP:

Because I think Legislator Foley has a draft of the bill and the Water Authority, is in negotiations with the Water Authority for them to --

P.O. TONNA:

Mr. Foley is in negotiations with the Water Authority?

LEG. FOLEY:

That's right.

LEG. TOWLE:

Were these sanctioned negotiations; were they authorized negotiations?

LEG. FOLEY:

The Presiding Officer knew nothing about this until today.

LEG. TOWLE:

Oh, so it's behind his back.

P.O. TONNA:

Oh, so he's for it then, he's for it then.

LEG. TOWLE:

So far you've sounded pretty good, let's go.

LEG. FOLEY:

All right. The Long Island Groundwater Institute --

LEG. TOWLE:

How were the structures built, were they safe, were they built properly, no roofs were caving in,

no leaks?

LEG. FOLEY:

The roofs are of --

P.O. TONNA:

Built union?

LEG. FOLEY:

They meet all standards and they're built to union standards, as a matter of fact. What the intent is here, either at the end of this year or early next year, both Legislator Bishop and myself -- and we'll circulate the bill, resolution to all members of the Legislature -- the Water Authority is willing to fund a study whereby our own Environmental Quality Office through Martin Trent and others would like to update the groundwater and surface water report that was last -- a study that was last done in the late 80's. It's been almost 15 to 18 years since there's been a comprehensive, thorough groundwater and surface water research report done. And because of all of the land use changes that have occurred extant in this County over the last 20 years, the thinking is among the experts within the Environmental Quality Office and also the Water Authority is that we need to update that report. I remember there was a very comprehensive report and they need to update it because of, as I said, all the land use changes that have occurred over the last 20 years.

LEG. TOWLE:

Having said that, why do we need a budget line on this?

LEG. FOLEY:

The reason we need a budget line is that when we bring over a resolution that the Water Authority is going to, in essence, help --

LEG. BISHOP:

Transfer the money.

LEG. FOLEY:

Transfer the money, they're going to help fund this report. But in order to accept the money from the Water Authority, we need to have a budget line to do that.

LEG. TOWLE:

When you say help fund, that means that we're going to fund as well.

LEG. FOLEY:

No, the Water Authority is going to fund it.

LEG. TOWLE:

Fund the whole thing.

LEG. FOLEY:

Correct.

LEG. TOWLE:

So they're going to give us a grant to do this study? In essence.

LEG. FOLEY:

In essence, in essence.

LEG. TOWLE:

So why don't we just accept it as a grant? I'm concerned that if you create this line --

LEG. FOLEY:

right.

LEG. TOWLE:

Before you know it, we're going to be putting money in here to fund this group.

LEG. FOLEY:

No. No, no, no, that's not the purpose of it, that's not the way it was explained to me either.

LEG. TOWLE:

Okay.

LEG. FOLEY:

It's just -- the intent --

LEG. BISHOP:

Intention is to receive the money.

LEG. FIELDS:

Legislator Foley?

LEG. FOLEY:

Let me just finish. The intent is to receive the money. It's not to do any empire building, it's not to --

LEG. TOWLE:

Why don't you just go for another grant?

P.O. TONNA:

Okay.

LEG. FOLEY:

We were told we had to do it this way in order to accept the monies.

P.O. TONNA:

All right. Legislator Foley, thank you very much. Legislator Fields; see, I noticed you.

LEG. FIELDS:

Is this the 208 Study?

LEG. FOLEY:

No, the 208 was done even years earlier. In the late 80's there was a report, I think it was done in 1987, it was a so-thick report and it was the Long Island Groundwater Report.

LEG. FIELDS:

Okay. I'm just asking if this was the 208.

LEG. POSTAL:

Is this the special groundwater protection area?

LEG. FOLEY:

Yes, exactly, exactly.

P.O. TONNA:

The late 80's.

LEG. POSTAL:

Yeah, I remember it.

LEG. FOLEY:

It's a good 18 years old and they need to update the report.

P.O. TONNA:

Late 80's, Cindy Lauper, Boy George, late 80's. Okay, let's go on. Duran Duran, that reminds me, the late 80's. Okay, where are we? Is there a motion and a second?

LEG. FOLEY:

Yeah, motion by Legislator Bishop, seconded by Legislator Foley.

P.O. TONNA:

Legislator Bishop, normally I wouldn't vote for this, but because this is such a significant dollar I'm going to vote for it. Roll call. Just everybody in favor? Opposed?

LEG. TOWLE:

Opposed.

P.O. TONNA:

Opposed; said by a fiscal conservative.

MR. BARTON:

17-1 (Opposed: Legislator Towle).

LEG. GULDI:

You know, if we spend four minutes on every dollar we'll only be here one million, six hundred and sixty --

P.O. TONNA:

If we get a dollar for every word, I guarantee you we'll be out of the budget crisis. Okay, where are we? Legislator Cooper, you're already done. Legislator Bishop, thank you very much, that's a yes.

48D, now we go into the Foley resolutions, ***increase discretionary funding in Health Services by \$3.1 million as requested by the department, offset turnover savings.***

LEG. FOLEY:

This was --

P.O. TONNA:

Are you going to withdraw it?

LEG. FOLEY:

Yeah, this is withdrawn.

P.O. TONNA:

Great, that's good.

All right, **48M - *Increase mandated funding in Health Services by \$147,167 as requested by department, offset turnover savings.*** Are you withdrawing that?

LEG. FOLEY:

Yes.

P.O. TONNA:

Ah, there you go, Brian. ***Withdrawn.***

LEG. GULDI:

One word answer.

LEG. FOLEY:

This is very difficult for me.

P.O. TONNA:

No, no, that's it, that's it, we're past the Foley era. Okay, we're at 51, we're back to Caracciolo. Go ahead.

51 - Reduce funding for the County Legislature to 2002 adopted amounts, transfer \$352,831 to the Vocational Education and Extension Board.

LEG. CARACCIOLO:

Withdrawn.

P.O. TONNA:

Oh, you're withdrawing that? Thank you very much.

52, here we go, this is the ***abolition of vacant positions for the Assistant Deputy Commissioner of Parks position.*** Now where -- Dave, do you want a breakdown of the Parks structure, the table of organization?

LEG. BISHOP:

No, no, that's not necessary.

P.O. TONNA:

All right. So what are we doing?

LEG. CARACCIOLO:

Motion to approve.

P.O. TONNA:

Motion to approve. Is there a second?

LEG. FISHER:

What number are we on?

LEG. FIELDS:

Second.

LEG. FOLEY:

I'll second it.

P.O. TONNA:

Legislator Fields is the second.

LEG. FOLEY:

What happens to -- before we vote on it. On the motion, Mr. Chairman?

P.O. TONNA:

Okay, just wait one second.

LEG. FOLEY:

On the motion.

P.O. TONNA:

I'm going to recognize myself for a second, just for some semblance of order. What is the savings, Fred?

MR. POLLERT:

There are no savings because it's unfunded.

LEG. FOLEY:

It's unfunded?

MR. POLLERT:

It's unfunded, there's no funding included -- when you look at the budgetary appropriations in that unit, there are no funds included there.

P.O. TONNA:

So we're just taking the title away?

LEG. TOWLE:

Mr. Chairman? Mr. Chairman?

P.O. TONNA:

Yes, Legislator -- no, Foley and then Legislator Towle. All right, Legislator Towle.

[RETURN OF REGULAR STENOGRAPHER - LUCIA BRAATEN]

LEG. TOWLE:

Fred? Fred? Fred Pollert, over here. I'm sorry. Even though it's not funded, they could abolish other positions that are vacant in the department to fund it and to fill it with the title in their budget.

MR. POLLERT:

That's correct.

LEG. TOWLE:

Okay.

P.O. TONNA:

Okay. All right? Roll call. No, just all in favor? Opposed? Opposed, all right, we have opposition from Legislator Binder, Legislator Crecca, Legislator Carpenter, Legislator Alden; is that it? And Legislator Nowick. Legislator Caracappa and Legislator Haley. I feel comfortable going to the right every once in a while. Okay, what else?

LEG. FOLEY:

Despite what Mr. McGowan says, hey?

P.O. TONNA:

That's right.

MR. BARTON:

11-7.

P.O. TONNA:

Okay, 11-7, it passes, fine. We go now to page six of seven and we go to **56 - Restore \$27.5 million for day care, increase revenue by the same amount.** I make a motion --

D.P.O. POSTAL:

Second.

P.O. TONNA:

-- to restore \$27.5 million.

LEG. TOWLE:

You, Mr. Conservative?

P.O. TONNA:

There you go. And seconded by Legislator Postal. I want you to know this is revenue neutral.

LEG. ALDEN:

Explain that.

LEG. BINDER:

Hundred percent.

P.O. TONNA:

Fred, Fred, can you explain how this is revenue neutral?

MR. POLLERT:

It's a 100% funded program.

P.O. TONNA:

Thank you very much. I find money like this, okay? 27 million dollars. 27 million dollars. Come on, Mini-me, tell him about it. I was waiting for this one. All right, it's late at night and I've had three chocolate bars. Let's keep going. All right, here we go.

LEG. ALDEN:

On the motion.

P.O. TONNA:

Yes.

LEG. ALDEN:

On the motion. Fred? Fred Pollert?

P.O. TONNA:

I had this joke an hour ago and I was waiting for this. I said after the Lilliputian, I had to go for this. All right. Motion, Legislator Alden.

LEG. ALDEN:

Fred Pollert, does this affect the warrant or the spending cap?

MR. POLLERT:

No, it does not.

LEG. ALDEN:

Neither one of them.

MR. POLLERT:

It does expend -- yes. It does affect the expenditure cap. It will require 14 votes. There will be no impact on either the levy or the warrant. It's 100% offset with offsetting secure federal aid.

LEG. ALDEN:

But it pierces the cap.

MR. POLLERT:

It will pierce the cap.

MR. SABATINO:

This is the alternative I mentioned this morning to item number 7 on the agenda. It's a smaller amount on the cap than the earlier version.

LEG. FOLEY:

There's no other way of doing this without piercing the cap? Is there --

P.O. TONNA:

I mean, guys.

LEG. FOLEY:

I'm just asking a question.

P.O. TONNA:

We have 27 million dollars free and clear. And people are worrying about that.

LEG. FOLEY:

No, it's not a worry, I'm just -- before I was told that we could do it without piercing the cap. But, Fred, there's no way to do this without piercing the cap?

MR. POLLERT:

No. Your 27.5 million dollars would pierce the cap. A portion of it would fill in the hole where you're currently below the cap. You're currently \$10 million below the cap. So that you're piercing it for 17 or 27, whatever it is.

LEG. FOLEY:

While we're piercing it for that amount of money, we're getting an equivalent amount of --

MR. POLLERT:

-- 100%, yes.

LEG. FOLEY:

100%. Okay.

MR. SABATINO:

And it's piercing it by a smaller amount than the one we discussed this morning. You're 10 million dollars ahead of where you were this morning. You skipped over number 7.

P.O. TONNA:

Okay. Legislator Towle.

LEG. TOWLE:

Thank you, Mr. Chairman.

Are these new day-care programs or existing programs or a combination of both?

MR. POLLERT:

Yes. Specifically these funds would be used to fund existing day-care programs. In addition to that when Kim checked, there maybe a legal implication of not adopting it in the sense that if funding is available and if you don't accept it from the federal government, you could be sanctioned.

LEG. TOWLE:

And have they applied for this funding in the past?

MR. POLLERT:

Yes, this is -- the only reason this funding was not included in the operating budget was because the County Executive was over the expenditure level cap. So he had to remove funding from the budget to go underneath the cap.

P.O. TONNA:

Now with the sanction, does it come with a pistol-whipping? All right. Legislator Haley. Legislator Haley and then Legislator Fisher.

LEG. HALEY:

I just would like simply to cosponsor.

P.O. TONNA:

There you go. Thank you and I accept you as my cosponsor. I want you to know that's good. How could you refuse this -- what a fiscal conservative. All right, Legislator Fisher.

LEG. VILORIA-FISHER:

Kim, isn't this money that subsidizes most children who are -- who need the subsidy that -- it goes through the families, rather?

MS. BRANDEAU:

Yes, this is the majority of the day-care subsidies that are provided to --

LEG. VILORIA-FISHER:

These are the subsidies that go to the families that have to pay for day-care.

MS. BRANDEAU:

They're trying to get off of welfare; they need day-care subsidies to keep their jobs.

LEG. VILORIA-FISHER:

Right. So it's not for programs; it's for the individuals using the day-care centers who are coming off welfare as Kim just said. So that's why it's really, really important for pass this. And I'd like to also it be a cosponsor.

P.O. TONNA:

Okay. By the way, staff back there, just listen. If we have more noise, we're going to reconsider that bill. All right. There we go.

Legislator somebody. Guldi.

LEG. GULDI:

Yeah, Fred, could you clarify something for me. This program existed last year and was funded to what level last year albeit reimbursed?

MS. BRANDEAU:

This year it's 38 million dollars. And the majority of it was taken out by the County Executive.

LEG. GULDI:

So -- but the vast majority of it existed last year?

MS. BRANDEAU

Yes.

LEG. GULDI:

Isn't it slightly disingenuous to cut 100% aided program from a budget in order to bring it --

LEG. BISHOP:

Legislator Tonna.

LEG. GULDI:

Excuse me. I have the floor.

LEG. BISHOP:

I want to explain to you what's going on.

LEG. GULDI:

Isn't it slightly disingenuous to strike 27 million dollars from the budget knowing it's 100% aided, in order to bring your overall budget in compliance with the cap laws?

LEG. BISHOP:

Right, that's exactly the point.

LEG. GULDI:

When you know that the Legislature would be arguably sanctionably remiss in failing to take the funds? Isn't this merely a circumvention of the entire spirit of the cap law? We'll take this item to back it out and we'll -- knowing the Legislature would be -- it would be absurd to fail to restore it?

P.O. TONNA:

It's a great way to do something; absolutely.

LEG. GULDI:

No. Actually, you know -- actually what it is, is it's a fraudulent circumvention of a substantive law.

P.O. TONNA:

Well, George, if that's true, why don't you spend some of the enormous amount of money that you have, sue the County Executive, get another full-page ad in the paper -- I've seen the last one -- and then all you have to do is just sue the guy. Why are you worrying about 27 million dollars? I do not want to see 27.5 million dollars being possibly jeopardized by -- by, you know some mumbo-jumbo as far as -- it is here. We are sectioning it out. Legislators are voting on it. 14 Legislators are required to vote on it. What's the problem?

LEG. CARPENTER:

Don't vote.

LEG. GULDI:

The problem is the way we're doing it is a circumvention of a substantive budgeting law. And it is being done by the County Executive with knowing foresight that oh, okay, this is an easy way to accomplish this for 27 million dollars. If he ran his budget over here with this 27 million dollar budget item included in it, what would the status of his proposed budget be, Mr. Pollert?

MR. POLLERT:

It would be over the cap; so it would be illegal.

LEG. GULDI:

Thank you. So in order to circumvent the blatant illegality, we're playing the game. And that doesn't trouble you, Mr. Presiding Officer, but it troubles me greatly.

P.O. TONNA:

No, I think if it -- if it's illegal -- if it's illegal, it shouldn't be done. But obviously this is a legal way to do this. And if you don't think it's legal, what I would suggest --

LEG. GULDI:

This is a legal way to accomplish the illegal.

P.O. TONNA:

No, there's nothing illegal. It is legal. He brings over a budget. He brings over resolutions that we need to vote 14 on. That is perfectly legal. And to tell you quite honestly, it's much better than budgets of years ago where he just didn't do anything. This is a legal convention. Fred, explain this.

MR. POLLERT:

It is, in fact, an improvement over previous years where the County Executive would send across missing appropriations for the Police Department or for health insurance that would have required an increase in the tax levy to bring it into compliance. So over a number of administrations, County Executives have sent across budgets that have taken out necessary items that the Legislature had to restore; but it had to restore with a 27 million dollar tax increase. This is, at

least, no budgetary impact.

P.O. TONNA:

Okay. Can I just ask one thing? And, George, really I would ask our legal counsel, who also is a lawyer, and I just want to ask him on the legality -- okay -- just from the standpoint of, you know, I know lawyers, okay. And, you know, you have three possible alternatives and there is three possible --

LEG. GULDI:

Hold on. I have not suggested -- I have not suggested that what's here is illegal. What I've suggested is, what we're doing is chicanery and circumventing the in-place cap budget law through the County Executive doing this mechanism.

P.O. TONNA:

Paul, could you, please, comment on this?

LEG. HALEY:

I think it's a great move.

P.O. TONNA:

Specifically the chicanery part.

MR. SABATINO:

No.

P.O. TONNA:

Just -- could you, could you, please?

MR. SABATINO:

No. The request for the supplemental appropriation legal. The only significant point to be made, though, is that the calculation was wrong. The bill the Executive proposed was to pierce the cap by 27 million, but the really piercing of the cap was 17 million. That's why this resolution was constructed for the Legislature to do it the correct way, which is 17 not 27.

P.O. TONNA:

Thank you very much. Thanks, George, for your input. Thank you legal counsel. Anybody else? Legislator Binder. I'd like to see, is there a third opinion on this?

LEG. BINDER:

No.

P.O. TONNA:

Okay.

LEG. BINDER:

Legislator Guldi is correct, except for the fact that if he wants to come across and tell us what 27 million dollars or 17 million or whatever millions he would have cut, because the County Executive has constraints that we don't have. That's why we have a 14 vote escape hatch. Now if you have -- you think we should be 14, 17, 27 million dollars? I'm all ears. I'm ready to hear what cuts you'd have -- see what you would do. You can bring it right into compliance with what you would want. Just give us the cuts. I'm ready to hear them and I'm ready to vote on them.

P.O. TONNA:

Hangars, hangars. What are we doing?

LEG. BINDER:

What are we doing?

P.O. TONNA:

Right. Okay.

LEG. FOLEY:

We're getting there. Let's go.

P.O. TONNA:

Let's now vote on a free 27.5 million dollar found money for day-care.

LEG. TOWLE:

Mr. Chairman? Mr. Chairman?

P.O. TONNA:

Yes.

P.O. TONNA:

Before we vote on that. Paul Sabatino, can I ask you a question? If he would have included this

money in his budget, this 27 million or 17 million, he would have been forced to cut 17 million dollars in unfunded mandates or unfunded grants; is that correct?

MR. SABATINO:

But that's correct. There's another way to do it. In the old days, what County Executive Cohalan did and I think County Executive Halpin did, was that they submitted one column in the recommended budget which stated this is what you are at, at 4%. Then they had another column which said notwithstanding the 4% limitation, this is what I or we as the County Executive believe should be the requisite funding. So what you had was, you had a document that showed the prior year, the recommended at 4%; and then what you really thought the funding should be. That was the approach that was taken for, I guess, the first seven or eight years of the cap law.

This County Executive hasn't taken that approach. But as Mr. Pollert stated, the last couple of years they've gone the route of at least submitting the supplemental resolution which shows, in this case, 27. Last year it was a different topic. I forget which one it was. And the year before, it was something different. So, I mean different styles of approach to doing it but --

LEG. TOWLE:

It's called a loophole in the law; in the cap law.

MR. SABATINO:

It's not a loophole because the bottom line is that if you don't pass it with 14 votes, it doesn't go into effect. Or you could displace the 17 million dollar portion of this, which requires 14 votes; not the whole amount but the 17 million with a cut from someplace else as Legislator Binder indicated. But at the end of the day either you have to get 14 votes or you have to find some offset to get it underneath the cap, so -- it's not really a loophole. It's just a question of style and how you present it. This Executive presents it differently than previous Executives.

P.O. TONNA:

Okay. Thank you very much. So nice to hear a cogent legal opinion. Okay, now let's go on. All in favor? Opposed?

LEG. ALDEN:

Abstain.

P.O. TONNA:

Whose abstaining?

D.P.O. POSTAL:

Cameron.

LEG. ALDEN:

Me.

P.O. TONNA:

Okay. All right. 57.

MR. BARTON:

16. One abstention, one not present.

P.O. TONNA:

Going to make a motion, seconded by Legislator Haley. All in favor? Opposed? This is a 14 vote -
-

LEG. TOWLE:

What's the -- is there an offset? On the motion.

P.O. TONNA:

Yes.

LEG. HALEY:

I'll explain it. The reason it's a 14 vote piece of legislation is because our local law requires that vote when state monies or federal monies are lost. So they lost 149 thousand from New York State, and, therefore, it's a 14 vote. We already have an offset for that. The main consideration here is that they house up to 35 families a year, which, if they were to go to homeless shelters would cost us 1.89 million dollars. This is severe cost avoidance. It's a great idea and it's only costing us \$150,000 which we've already accounted for with an offset.

P.O. TONNA:

Absolutely. Okay. All in favor? Opposed?

LEG. BISHOP:

Cosponsor.

LEG. COOPER:

Cosponsor, please.

P.O. TONNA:

Thank you. Okay.

MR. BARTON:

16-2 not present.

LEG. HALEY:

You can go home ladies.

P.O. TONNA:

58. 58.

LEG. CRECCA:

Cosponsor.

LEG. ALDEN:

Cosponsor.

P.O. TONNA:

Ladies, I'll see you later. Keep up the good work, okay? And thank those New York State Legislators, you know, for their vote and courage to cut you \$150,000. Okay. All right. Let's go onto **58 Transfer \$81,000 for Youth Experiencing Art from Suffolk Community Council to a separate appropriation in the Youth Bureau and change the name to Youth Experiencing Art Project, Inc.**

All right. You gave us the 18 and 0 on the other one, Henry?

MR. BARTON:

No. It was 16.

P.O. TONNA:

17, one abstention.

MR. BARTON:

16, one abstention, one out.

P.O. TONNA:

Okay. 58.

Speaker: Motion. It's just a name change.

LEG. VILORIA-FISHER:

Second.

P.O. TONNA:

Okay. All in favor? Opposed?

MR. BARTON:

17, one not present.

P.O. TONNA:

60 Add \$108,000 for Special Services to aid in various investigations. This is Legislator Carpenter's motion, seconded by myself.

LEG. HALEY:

What, are you crazy?

LEG. CARPENTER:

No, no, no. We had put -- we had put 100,000 in --

P.O. TONNA:

Not 108?

LEG. CARPENTER:

Right. I'll withdraw this.

P.O. TONNA:

Okay. We are going to withdraw this. Okay. Here, we go. **61 Add \$10,000 for Islip Arts Council Philharmonic Concert Program.**

LEG. CARPENTER:

61, I'm going to withdraw also.

P.O. TONNA:

Oh, thank you. All right. There we go. **65 Add \$15,000 for S.C. Coalition for Alcohol and Substance Abuse.** 65, Legislator Carpenter.

LEG. CARPENTER:

I just want to check with Budget Review. This was taken care of in the Omnibus, yes? Suffolk County Coalition against alcohol and drug abuse?

LEG. VILORIA-FISHER:

If I recall, Fred, we had taken care of this.

P.O. TONNA:

Kim is taking -- going to do that.

LEG. HALEY:

Can we come back to that?

P.O. TONNA:

Okay. 66. **66 Add \$1,066,594 for pay-as-you-go financing.** Motion by Legislator Bishop, seconded by Legislator Caracappa.

LEG. CRECCA:

On the motion.

P.O. TONNA:

On the motion.

LEG. CRECCA:

On 66, is this -- where is this money coming from?

LEG. CARACAPPA:

Straight add.

P.O. TONNA:

Straight add. Goes right to the tax levy, correct.

LEG. CRECCA:

So does that change the General Fund tax?

P.O. TONNA:

Absolutely.

D.P.O. CARACAPPA:

Yep.

P.O. TONNA:

By a million dollars.

LEG. CRECCA:

So it brings it up to --

P.O. TONNA:

A million --

LEG. CARPENTER:

Tax increase.

LEG. CRECCA:

And so we've just added all that money to pay as you go, though.

LEG. BISHOP:

You've had about 20,000.

LEG. CARPENTER:

No. We've added more than 40,000.

LEG. VILORIA-FISHER:

We've added a little over \$100,000. No, actually more than that.

LEG. BISHOP:

There have been three transfers into 5-25-5 in this process; two on page one, and then one for a quarter of a million, number thirteen. Other than that, I don't think there's been anything else. I think it comes to a total of just shy of 300,000.

LEG. VILORIA-FISHER:

What about that \$500,000 from Riverhead from 2002?

LEG. BISHOP:

Did that go to pay as you go? That went to tax stabilization.

LEG. VILORIA-FISHER:

Oh, that didn't go into pay as you go? You're right. That went into Police District.

LEG. CRECCA:

Fred, were you able to answer questions?

MR. POLLERT:

Yes. What the question is, is it will be a straight add to the -- to the property tax warrant and levy. I don't know exactly how much we have added to 5-25-5 yet.

LEG. CRECCA:

Okay. When you say straight add, will that go into the General fund, then?

MR. POLLERT:

Yes, it will be a General fund increase.

LEG. CRECCA:

Approximately what percentage of a tax increase does that represent in the General fund?

LEG. VILORIA-FISHER:

2%.

P.O. TONNA:

2%. That's right, 2%.

LEG. CRECCA:

Approximately. It's one --

MR. POLLERT:

It adds --

LEG. CRECCA:

About 2%?

MR. POLLERT:

Just hold on a second.

LEG. BISHOP:

I misspoke. I think there's 700,000 in 5-25-5 now.

LEG. BINDER:

I think the automobile money -- I think that passed -- it went in there.

MR. POLLERT:

Total increase of about 3%.

LEG. CRECCA:

About 3%?

MR. POLLERT:

Yeah.

LEG. CRECCA:

Which to me, if you vote for this and you voted for omnibus number 1, you basically --

P.O. TONNA:

If you vote for both, yes. You're right.

LEG. CRECCA:

Basically what you've done is you've negated your vote on omnibus number 1 because the whole idea -- there was a lot of us here who spoke about tax relief and all that. And while it may not be huge numbers, it's sort of disingenuous now to add it back in when we already -- we just tried to cut the taxes so --

P.O. TONNA:

Well, can I just make a statement? I'm not somebody who proposed this or whatever else but --

LEG. BISHOP:

It's supposed to be a 2% so I don't chagrin --

P.O. TONNA:

Right. I just want to say one thing. I think that what happened with stand-alones was that when consensus could not be -- could not be reached among a number of Legislators, individual Legislators, as long as there was a certain timeliness or whatever else, were invited to put in stand-alone.

LEG. FIELDS:

They also went in before the omnibus, too.

LEG. CARPENTER:

Yes.

P.O. TONNA:

Okay. So my point is, is that, you know, this gives Legislators who voted for an omnibus resolution, but who do not want any tax increase in the General fund, vote against this. They can still say they voted for a zero percent tax increase in the General fund.

LEG. CRECCA:

I'm not worried about -- Legislator Tonna, it's not that -- I understand what you're saying. It's not that I'm worried about what I can say. But one of the main reasons I signed on to omnibus number 1 was because -- and you said it earlier when you were speaking -- is because there was a zero percent tax increase in the General Fund. And so, you know, for me that was very, very

crucial to me giving my vote to omnibus 1, so. That's why I wanted to say what I said and I will do a motion to reconsider.

LEG. VILORIA-FISHER:

Mr. Chairman?

P.O. TONNA:

Well, let's see how this vote goes first. Yes.

LEG. VILORIA-FISHER:

Actually, Legislator Crecca, I believe that the reason there are stand-alones such as this is because there are some of us who feel that we needed more money in the pay as you go. However, as the Chair has indicated, in order to have consensus in the omnibus, and there are those Legislators who would not be on board if it were not a zero percent increase, we entered into a consensus agreement on the omnibus. However, there is a belief that we need money in the pay as you go item. And so we are willing to vote on that separately. And that really frees up those people who had the constraints that you had in the omnibus. So I don't believe it was disingenuous at all. In fact, I think it's the epitome of honesty.

LEG. CRECCA:

I apologize if I used the word disingenuous. I just mean, you know, it contradicts the vote in omnibus number 1.

LEG. VILORIA-FISHER:

But, it really doesn't. Well, I'm telling you as a person who's supporting it from the beginning, that to me I don't see a contradiction. I believe in supporting the programs that are supported in the omnibus, restoring the contract agencies, giving the budget a hard look. However, I believe that we need more money in the pay as you go fund. I believe that in order to have fiscal responsibility for future years, my opinion is that this is very important. And so this is why I'm supporting this.

LEG. CRECCA:

It's not a dig at you or anybody else.

LEG. VILORIA-FISHER:

For me -- no, I'm not taking it as a personal insult. I just want you to understand in my opinion it's no contradiction.

P.O. TONNA:

Okay. Just one thing before we do this. Let's just clarify, do you guys know how much we have now in pay as you go? How much?

MR. SPERO:

285,000.

P.O. TONNA:

How much?

LEG. BISHOP:

285,000.

P.O. TONNA:

I thought you said 700 just a second ago.

LEG. BISHOP:

No. Because what happened is that Legislator Caracciolo moved things -- large items to tax stabilization and not to 5-25-5.

P.O. TONNA:

How much did we -- how much did we put in tax stabilization?

LEG. BISHOP:

About 700,000.

MR. SPERO:

285,000. That's what you have so far. What was in omnibus?

P.O. TONNA:

No, no. Tax stabilization, Jim, not --

MR. SPERO:

Oh, tax stabilization.

P.O. TONNA:

Yeah. It's a separate --

MR. SPERO:

I have no calculate that.

P.O. TONNA:

All right. Okay. There is a motion and a second. Roll call. Oh, you want to talk on it? Oh, okay. Sorry, Dave.

LEG. BISHOP:

No. I want --

P.O. TONNA:

He's got the number, 200 and whatever.

LEG. BISHOP:

First of all, the resolution that I asked for from Budget Review was for a 2% increase to go to 5-25-5. So when you tell me it's 3% --

MR. POLLERT:

No, actually that was an error. It was 2%.

LEG. BISHOP:

Okay. So this is a 2% increase. Thank you, I appreciate that.

MR. POLLERT:

Right.

LEG. BISHOP:

And the second question is, how much was put into tax stabilization earlier?

MR. POLLERT:

Into tax stabilization, did you say?

LEG. BISHOP:

Yes.

MR. POLLERT:

Jim is calculating it.

LEG. VILORIA-FISHER:

Fred, had you said it was 230,000 in the 5-25-5?

MR. POLLERT:

That's correct.

LEG. VILORIA-FISHER:

Okay. All right. That's the number that I had.

MR. POLLERT:

Plus the omnibus bill increased pay as you go by \$638,000 in 17.
638,017.

LEG. VILORIA-FISHER:

So we're at about 900,000, then; okay.

LEG. BISHOP:

We need --

LEG. VILORIA-FISHER:

About four million?

MR. SPERO:

\$621,000.

LEG. BISHOP:

Right. Legislator Caracciolo, you have no interest in moving that to 5-25-5 which would have a greater impact over the years on taxpayers than moving it to tax stabilization? I think that's foolish. I think, however, that we should vote for this amendment. One of the most important reforms that this Legislature adopted fiscally in the last decade was the implementation of the 5-25-5 program. It's what separate us from municipalities that have in the past relied too heavily on borrowing, taking the easy way out and not making the tough fiscal decisions that are necessary. Obviously most of us learned from the past. If we look at New York City in the 1970's, they engaged in the practice of borrowing for operating budget expenses. Nassau County in the '80's did the same thing. Ultimately the chickens come home to roost and you have to pay the bill. When you have an adequately funded 5-25-5 program, you are paying for small reoccurring expenses out of your pocket. The best analogy to go back to when we adopted it, is you don't use a credit card to buy a newspaper.

Now last year following the 9-11 catastrophe, the County Executive asked us to suspend the 5-25-5 policy. And we followed. But that suspension of the policy should never have been made permanent. And if you do not fund the program this year, you go down that path. And then you end up at Nassau County where you're at. 20% of your General Fund is paying off debt as opposed to Suffolk County where we're down to 8%. That's why the bond ratings agencies have cited the 5-25-5 policy as one of the reasons that they give us an excellent credit rating. Do not go down the wrong path. Let's stick to the policy that we adopted and fund 5-25-5 adequately.

A 2% increase is beneath the rate of inflation. If you are a taxpayer watchdog, if you believe in fiscal restraint, if you believe in honest budgeting, you'll vote for this amendment.

P.O. TONNA:

Okay. Just quick question. Fred, just for those of us 5-25-5 obviously saves money because we're using dollar for dollar versus bonding money; correct?

MR. POLLERT:

Yes, that's correct.

P.O. TONNA:

Okay. So a million dollars of 5-25-5 dollar for dollar saves us what, about \$500,000 of 20 year old bonded money, 5 year bonded -- how much -- is it 50%, 20%?

MR. POLLERT:

It has come down because of the lower interest rates and the shorter term bond so roughly

\$200,000 on a million dollars.

P.O. TONNA:

So 20%.

MR. POLLERT:

Yeah.

LEG. BISHOP:

We should borrow everything.

P.O. TONNA:

This is the time to borrow -- but, you know, that's why we had a 22.5% increase in the third quarter because there was zero percent financing and refinances of houses. I mean, if we're going to borrow, this is the time to borrow. I'm telling you.

LEG. ALDEN:

Freddy, didn't they cut the discount rate to what, one point something, right? 1.5%.

MR. POLLERT:

Yes, they reduced it by one half point.

LEG. ALDEN:

So it could even be lower than the amount.

MR. POLLERT:

That's correct.

LEG. ALDEN:

Okay.

P.O. TONNA:

Legislator Crecca.

LEG. CRECCA:

And I understand what you're saying, Dave, and I don't disagree with that. But then don't do it

by now after voting for a budget in omnibus plan with a zero percent tax increase by adding it here. Then we should go back, if that's what we want to do, and find a million dollars in cuts. We added a heck of a lot more in Legislative contingencies and Legislative programs -- if I can just finish, Dave? I sat here and listened to you. I just ask that you listen to me.

P.O. TONNA:

Please, a little order.

LEG. CARACAPPA:

Henry, withdraw my second and my sponsorship.

LEG. CRECCA:

We added a lot of money back into the budget; okay. And I'm not arguing with -- a lot of those programs were good and we should have restored them; okay. But, you know, I get back to my earlier point you put all those add backs in and you signed on for a -- as a co-sponsor, if you were, or whatever, for a zero percent increase and now you're going to put this back on, you're going to put the increase back on. I think 5-25-5 is great, too. But I'll go back and cut a million dollars or two million dollars, whatever. I had to make compromises obviously just like everyone else did to get onto omnibus. You know, I'm not happy with every part of the bill either. But to me this seriously negates a lot of what you did with the bill. I mean, we made speeches about how this was the year not to go into taxpayers' pockets; you know, that we didn't need to do it this year. We might need to do it next year, but let's not do it this year. Now you're going to go right back in at a rate higher than proposed by the County Executive mind you. His was 1.68. We'll be above that 2%. So, again, I just ask you to think about that when you vote for this bill. And if you want, then we should go back next year, find the budget cuts and increase pay as you go to a realistic number.

P.O. TONNA:

Hold it a second. I see Legislator Towle's name down here. I guess he's not speaking on it. Legislator Bishop.

LEG. BISHOP:

The solution -- you're right. The solution is to take the money that he designated to tax stabilization and move that into 5-25-5. That's 600,000. And that would get us close to the number we need to be at. And then you'd have the right fiscal policy. Not you. Legislator Caracciolo's.

P.O. TONNA:

Okay. Legislator Alden.

LEG. ALDEN:

One question to that. That wasn't part of the omnibus process either, though. Those are all stand-alones.

LEG. BISHOP:

Yes, I know.

LEG. ALDEN:

But the logic doesn't follow that if we were going to take care of it either in omnibus --

LEG. BISHOP:

He's saying he want cuts.

LEG. ALDEN:

No, but to ask Legislator Caracciolo to move his money to 5-25-5 seems, you know, like a little bit far-reaching also.

LEG. CRECCA:

I will make this commitment, though. And talking to Legislator Bishop, if I should be so lucky as to remain Chairman of finance next year, I will go in and we will look for additional budget cuts and make the appropriations to put money into pay as you go. I'll make that on the record here, too.

LEG. HALEY:

You're going to find if -- right, Fred?

P.O. TONNA:

All right. I think everyone understands the issue and the impact of the issue. Let's vote. Roll call.

MR. BARTON:

We lost the second.

P.O. TONNA:

We lost the second? You do not have a second?

D.P.O. POSTAL:

I'll second.

P.O. TONNA:

Now you have a second.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

D.P.O. POSTAL:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Pass.

LEG. TOWLE:

(Not present)

LEG. CARACAPPA:

(Not Present)

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BINDER:

No.

LEG. COOPER:

No.

P.O. TONNA:

You know, I got to follow the crowd. No.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. CARACAPPA:

(Not Present)

MR. BARTON:

Three.

P.O. TONNA:

You know what, change my vote to a yes. Change my vote to a yes. Change my vote to a yes.

MR. BARTON:

Four.

P.O. TONNA:

I stick with my -- I'm telling you right now, for a million dollars I stick with my man. All right.

MR. BARTON:

4, 13 one not present.

P.O. TONNA:

All right, there we go. Okay. The last one --

LEG. FOLEY:

Are we ready on 65 yet or no?

P.O. TONNA:

No. 68 is withdrawn. 65 is withdrawn.

LEG. CARPENTER:

65 was withdrawn.

P.O. TONNA:

68 is withdrawn.

LEG. CARPENTER:

68 is withdrawn, but we do have 71. Everyone has a copy of 71?

P.O. TONNA:

All right.

LEG. CARPENTER:

71 puts funding in from the -- for the bill that we passed two months ago; the scholarship program for the volunteer firefighters and ambulance personnel. And there is an offset.

LEG. HALEY:

Cosponsor.

LEG. FOLEY:

Question.

LEG. CARPENTER:

Yes.

LEG. TOWLE:

Why wasn't it on the original sheet?

LEG. CARPENTER:

Because I forgot.

LEG. TOWLE:

So it wasn't filed, then, within the deadline?

LEG. CARPENTER:

No. It was done today.

LEG. TOWLE:

Okay. How do we do that legally, add budget amendments?

LEG. CRECCA:

She could have done this orally.

LEG. TOWLE:

That's amending bills that are on the floor. I've never heard of somebody making up an amendment without attaching it to something on the floor. I mean, Counsel, how do we add -- how do we add -- I mean for that matter, then, why file it on the deadline? I got five or six ideas that I didn't get on the deadline. I'm not arguing the point. I support your effort. I'm just saying if it didn't meet the deadline, then it should be attached to something.

LEG. FOLEY:

Take one of your amendments.

LEG. CARPENTER:

Rather than have the Budget Review Office un-do the Omnibus, when I remembered this yesterday, I asked if it was possible to do it. And this was the most expedient way for them to do it.

LEG. TOWLE:

I asked the same question and I was told no. If you missed the deadline, you missed the deadline.

LEG. BINDER:

That's you.

LEG. TOWLE:

What's good for the goose is good for the gander. I asked the question of Counsel.

P.O. TONNA:

Wait a second. Legislator Towle has the floor; not everybody else. I have enough pad and paper here to write everybody's name in order. Legislator Towle asked our legal Counsel who happens to be also a lawyer.

LEG. GULDI:

Not after the number of years he's spent here, he isn't. I would -- I'll tell you -- George, if I was making a decision about legal counsel -- go ahead. Please, enlighten Legislator Towle.

LEG. TOWLE:

I asked him the question, I guess.

P.O. TONNA:

It's a good question.

MR. SABATINO:

If ten Legislators are willing to consider an amendment on the day of the meeting, ten Legislators can consider it. The deadline set up by the Presiding Officer is just a deadline --

P.O. TONNA:

What was that deadline?

MR. SABATINO:

-- the deadline to bring some finality to the Budget Review process of getting a package of resolutions ready. But every year this happens at the end of the agenda, where if ten Legislators are willing to consider stand-alone amendments --

P.O. TONNA:

So is there a motion first?

LEG. CARPENTER:

I'll make the motion.

P.O. TONNA:

There's got to be a motion -- wait, wait, wait. I'm not clear yet. Has there got to be a motion for us to waive the rules and then consider resolution number 71?

MR. SABATINO:

Basically the way it works is -- okay. You as Presiding Officer set the deadline. If you've accepted this resolution to be added onto today, then, somebody can challenge that ruling. And then if ten people, you know, agree they want to vote on the bill, we can vote on the bill.

P.O. TONNA:

Wait a second. Wait a second.

LEG. TOWLE:

There is no deadline.

P.O. TONNA:

What you're saying is I can make a ruling, like I can make a ruling on anything. And the only way that somebody can override my ruling is if I have ten Legislators who said, what kind of BS ruling was that; right? I mean in fairness --

LEG. TOWLE:

What's the point in having a deadline?

MR. SABATINO:

Ten Legislators can simply make a motion and say they want to consider additional amendments.

P.O. TONNA:

Oh, all right, without the Presiding Officer saying that I waive the rules.

MR. SABATINO:

It's either way. I mean, we've done it -- we've done it both ways in the past.

LEG. CARPENTER:

I would ask that we waive the rules.

LEG. TOWLE:

Of Paul Sabatino, I just --

MR. SABATINO:

It's not waiving. It's just waiving -- it's just waiving the Presiding Officer's deadline to consider this one resolution.

LEG. TOWLE:

Mr. Chairman?

P.O. TONNA:

All right. I would -- yes. I did not rule that we could at the last minute put on a resolution. I'm sorry. And in all fairness to Legislator Carpenter. But I will support a vote on being able to --

yes, give me some artificial construct --

LEG. CARPENTER:

I appreciate that.

LEG. TOWLE:

Mr. Chairman?

MR. POLLERT:

Could I just make a recommendation? Because you have now adopted the day-care 27 million dollars going back into the budget, this would make it a 14 voter. If Legislator Caracciolo changed resolution number 22, which has the other half of your offset, and appended to it just like you had changed the money going to tax stabilization reserve funds, you could vote on it, and it wouldn't be a 14 voter even.

P.O. TONNA:

Legislator Caracciolo, that means you're in the hot seat.

LEG. CARACCILOLO:

Yes. The answer is yes.

LEG. TOWLE:

Mr. Chairman?

P.O. TONNA:

All right. Come onto the -- can you, please, get on the record?

LEG. TOWLE:

Mr. Chairman?

P.O. TONNA:

Yes. While he's doing that --

LEG. TOWLE:

I just want to finish my point.

LEG. CARACCILO:

I would be happy to make that amendment.

LEG. TOWLE:

So there is no official deadline for budget amendments?

LEG. CARPENTER:

There is.

LEG. TOWLE:

That's not what he said, though. He said it's up to his discretion.

MR. SABATINO:

Under the County Charter, the Presiding Officer is delegated that responsibility. He sets a cutoff date.

LEG. TOWLE:

Which he did.

MR. SABATINO:

The Budget Review -- which he did. So that the Budget Review Office and myself can compare the resolutions on the days of Legislative meetings because majority rules. If ten Legislators decide that the 72 amendments that were proposed are inadequate to get the job done, they reject all of them or some of them or a combination. Ten Legislators always control the budgetary process. And they can then say to the extent that it's physically feasible, which has happened on many occasions in the past, please prepare these other resolutions. But you need ten Legislators to be in concurrence on that.

P.O. TONNA:

And just on that, all that's true, except for when the Presiding Officer makes a motion to recess; right? Okay. I just want to set that up.

LEG. BINDER:

Paul.

P.O. TONNA:

Yes, Legislator Binder, our Robert Rule expert.

LEG. BINDER:

I got to ask because I think there's a bad precedent that's about to happen that we shouldn't do. The question is whether the author of an amendment -- of a resolution can amend it after it's been voted on. In other words, the votes were taken with it being a certain way. Now, I understand and I agree, it would be nice if this could be a ten-vote resolution, but if we were to agree to an amendment post-vote --

MR. SABATINO:

Clearly you're --

LEG. CARACCIOLO:

I'll make a motion to reconsider --

MR. SABATINO:

Make a motion to reconsider, get that bill back in front of us --

LEG. FOLEY:

I'll second the motion to reconsider.

LEG. TOWLE:

What are we reconsidering?

LEG. CARPENTER:

Budget amendment number 22.

P.O. TONNA:

Just wait one second everybody. Legislator Towle still has the floor. Legislator Towle, have you finished your questions yet?

LEG. TOWLE:

What are we actually amending?

P.O. TONNA:

Wait. There's nothing yet until after you give up the floor. Then Legislator -- I'm going to recognize Legislator Caracciolo. Legislator Caracciolo, for the purposes of amending a resolution, you're making a motion?

LEG. CARACCIOLO:

Motion to reconsider budget amendment 22.

LEG. FOLEY:

Second.

P.O. TONNA:

Second. All in favor? Opposed? Fine. The motion is in front of us. Legislator Caracciolo, you'd like to amend your resolution?

LEG. CARACCIOLO:

I'd like to amend the resolution to reflect that the funds, the \$550,000 --

P.O. TONNA:

-- goes to 600,000.

LEG. CARACCIOLO:

-- goes to 600,000.

P.O. TONNA:

And 50,000 --

LEG. CARACCIOLO:

Correct.

P.O. TONNA:

Goes to Special Services.

LEG. CARACCIOLO:

Correct.

P.O. TONNA:

With the balance going to tax stabilization or pay-as-you-go?

LEG. CARACCIOLO:

Tax stabilization.

LEG. TOWLE:

Could I ask a question on that?

P.O. TONNA:

There we go. Okay, Legislator Towle, on the motion.

LEG. TOWLE:

Legislator Carpenter's bill is providing the benefits to people who are going to the college; right?

That was the fire service bill?

LEG. CARPENTER:

Right. The bill that we passed a couple of months ago.

LEG. TOWLE:

Yeah. I'm in support of that, no problem. Isn't the money we're taking out of this bill go out of the Police District?

P.O. TONNA:

This is money that comes out -- I think this is the money --

LEG. TOWLE:

Or General fund?

P.O. TONNA:

Right. No. Police District.

LEG. TOWLE:

So we're taking money out of the Police District now to fund the program to benefit --

P.O. TONNA:

Fire and rescue. Fire rescue, emergency, FRES program.

LEG. CARPENTER:

Yeah, public safety. Public Safety.

P.O. TONNA:

Is that fine? Can we do that?

MR. POLLERT:

Sure, because you're subsidizing the Police District with sales tax revenues. You're just adjusting -
-

P.O. TONNA:

Oh, right, right, yeah. Okay. All right, Legislator Towle?

LEG. CARPENTER:

Can we call the vote?

LEG. TOWLE:

Yeah.

P.O. TONNA:

Okay. But I just -- for the record, I did not -- all I can tell you is the Presiding Officer did not waive any rules or anything else like that. When the budget amendments came in, they came in. There were deadlines. In all honesty, I was not --

LEG. CARPENTER:

In all honesty and in past years, there have been amendments that surface that day --

LEG. BINDER:

Every year. Every year.

LEG. TOWLE:

Amendments to bills that were here. I've never seen bills added to the agenda after the deadline.

P.O. TONNA:

I always amend bills. Okay. All in favor? Opposed?

MR. BARTON:

17.

P.O. TONNA:

Fine. Now.

MR. BARTON:

17, 1 not present.

P.O. TONNA:

No. We just did that. He just amended it.

MR. BARTON:

Yes. 17, 1 not present.

LEG. ALDEN:

That's his bill.

P.O. TONNA:

Yeah. He included her bill into his bill.

LEG. ALDEN:

I thought it was to reconsider.

P.O. TONNA:

We did that already. Okay. Do you want to -- you want to vote? You're voting to approve?

LEG. ALDEN:

What?

P.O. TONNA:

We're recording it. Do you want to stay on approved?

LEG. ALDEN:

Yeah. That's okay.

P.O. TONNA:

Okay, now we're at our agenda. We are at number 10. Okay. Establishing truth and accountability policy for impact of New York State mandates on County taxes, if it's discharged from committee.

LEG. BINDER:

If it's discharged.

P.O. TONNA:

If it's discharged from committee. It was not. Now we're onto 11 to be laid on the table. And this is -- and I think we have the law firm of Kirby, McInerney and Squire. Is that close? There we go.

LEG. CRECCA:

Is that in executive session or not?

P.O. TONNA:

Not only are they lawyers, but they're attorneys. Okay. What I would like to do is I think we have to go into executive session. You want to save that? You want to just finish this and then --

LEG. ALDEN:

We got some stuff.

P.O. TONNA:

Wait, hold it a second. We're going to be right there. Make yourselves at home. I'm sorry about that.

LEG. VILORIA-FISHER:

I think Budget Review needs a minute to put their stuff together here, don't you think?

P.O. TONNA:

Well, we got three more resolutions. Hold it one second.

LEG. FOLEY:

Before you move to pass the budget, you may want to once again as the Presiding Officer thank BRO.

P.O. TONNA:

We're going to wait until the end. We just got three resolutions here. We're almost done. Okay. To consider the vote on IR -- to lay on the table 2116. Didn't we do this already?

MS. BURKHARDT:

No.

LEG. FOLEY:

What is the title?

P.O. TONNA:

Okay. I'll make a motion to lay on the table -- that goes to where?

MR. SABATINO:

Ways and Means.

P.O. TONNA:

Ways and Means. All in favor? Opposed? Fine. 2117 a motion to be laid on -- that's already been done. Oh, this is for the next year. Okay. A motion to be laid on the table and sent to Ways and Means. Motion by myself, seconded by Legislator Postal. All in favor? Opposed?

Okay. Item 13, the County Executive withdrew that. 14, we did. 15, we did. Okay. So now we go to executive session with regard to -- I need a motion to go into executive session.

LEG. CARACCILO:

Motion.

P.O. TONNA:

Oh, wait. Before we do -- before we go into executive session, I have one other issue.

LEG. BISHOP:

Why do we have to go into executive session?

P.O. TONNA:

Oh, we don't. Only if Legislators want to. Hold it one second, though. Just wait. Before we do anything else, I would want all of us just to take a special -- make a special thanks to Budget Review, to the work that you guys have done, the over 5,933 hours of work.

APPLAUSE

P.O. TONNA:

Fred, could you do me a favor? Fred?

LEG. CRECCA:

Let's give them Monday off.

LEG. ALDEN:

Let's cut their salaries.

P.O. TONNA:

Fred, can I just ask you, how many days straight did your staff work; straight days?

MR. POLLERT:

On average they have only taken off two days from the time the budget came out September 20th.

P.O. TONNA:

Two days total.

MR. POLLERT:

Two days total. They have been in seven days a week on average outside of two days was what the average was they had taken off.

P.O. TONNA:

How many -- and I just -- I'm glad we didn't cut your salaries.

D.P.O. POSTAL:

We should restore their accruals.

P.O. TONNA:

Right. The other question that I have is just -- I know that some of you have or many of you have families, kids. This has got to be very, very difficult.

MR. POLLERT:

Yes, it is. And that's part of the reason we have a very high turnover rate in Budget Review Office. Very few people stay very long.

P.O. TONNA:

Right. Now, we have some lawyers Legislature who would be glad to help you with your divorces. Okay? We want you to know that. It's not pro bono, but they'll make a deal you couldn't refuse. Thank you very much. Thank you.

LEG. CRECCA:

Legislator Tonna, you skipped over an item on the agenda, item number 10.

P.O. TONNA:

Okay.

LEG. CRECCA:

Item number 10.

P.O. TONNA:

Okay.

LEG. CRECCA:

Which is 2112; IR 2112. It's the truth and accountability policy for impact of New York State mandates and County taxes. This creates another tax line for state mandated costs.

P.O. TONNA:

Right. It wasn't discharged from committee.

LEG. CRECCA:

Oh.

P.O. TONNA:

You'll make a motion to discharge?

LEG. CRECCA:

Motion to discharge.

P.O. TONNA:

I'll second it. All in favor? Opposed? It's in front of us. Now I'll make a motion to approve.

LEG. FOLEY:

Second.

P.O. TONNA:

Seconded by Legislator Foley. All in favor? Opposed?

LEG. ALDEN:

Cosponsor.

P.O. TONNA:

Fine.

LEG. FOLEY:

Cosponsor.

MR. SABATINO:

Now that it's adopted, I would just recommend that the Clerk forward a copy of it to the County Treasurer and to all the towns so they don't mess up the tax bill next year. Okay?

MR. BARTON:

17, 1 not present.

P.O. TONNA:

Okay. And the last -- okay. Could I just --

LEG. FOLEY:

Cosponsor.

P.O. TONNA:

We -- just the last piece, we do not have to go into executive session; right?

MR. SABATINO:

Well, if Legislators want to hear the legal strategy, yes, we do.

LEG. BISHOP:

That's why we had Social Service --

P.O. TONNA:

Okay. Let me put it this way.

MR. SABATINO:

Legislator who are not on that committee want to know or discuss or talk about the legal strategy, we have to go into executive session. If they don't, then we don't.

P.O. TONNA:

Okay. What is -- what is the will of the --

LEG. GULDI:

Is this the recommendation of the one firm being recommended by the --

P.O. TONNA:

Yeah. Can I just go through the process as chairperson?

LEG. GULDI:

Motion to approve.

P.O. TONNA:

Second. Okay. Just on the motion. So that I can set the record straight. The Social Services committee spent a special day, Legislator Fisher, Legislator Crecca, Legislator Foley, Legislator Lindsay, myself, and I know there was one or two other Legislators in -- Legislator Nowick,

Legislator Caracciolo. I knew it. I knew it.

Anyway, we spent an awful lot of time interviewing law firms. And I would say that without a doubt, after the four law firms, all very reputable law firms that we interviewed, it was clear that there was one law firm head and shoulders above. As a matter of fact I have some very interesting anecdotal stories to tell you later about the other law forms.

LEG. FOLEY:

On the record or off the record?

P.O. TONNA:

On a head -- head and shoulders above everyone else. And I think it was the unanimous view of the committee that this is the most qualified law firm to represent the County. And what I think is groundbreaking legislation from Legislator Bishop. So there's a motion to approve and a second. All in favor? Opposed?

MR. BARTON:

17, 1 not present.

P.O. TONNA:

Wait.

LEG. BISHOP:

Abstain.

MR. BARTON:

16, 1 abstention.

P.O. TONNA:

Thank you very much. All right. That's it. We're adjourned.

[THE MEETING WAS ADJOURNED AT 7:25 P.M.]

{ } Indicates Spelled Phonetically